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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -

UNITED STATES OF AMERICA, : CASE NO. 1:18-cr-0043
:
Plaintiff, :
vs. : TRIAL EXCERPT
:
YANJUN XU, also known as XU : 25th of OCTOBER, 2021
YANJUN, also known as QU HUI, : 9:54 A.M.
also known as ZHANG HUI, :
:
Defendant. :

- - -

EXCERPT OF TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE TIMOTHY S. BLACK, JUDGE

- - -

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12 United States District Court
13 200 West Second Street, Room 910
14 Dayton, Ohio 45402

14 Proceedings reported by mechanical stenography,
15 transcript produced by computer.

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MONDAY, OCTOBER 25, 2021

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1 P-R-O-C-E-E-D-I-N-G-S 9:30 A.M.

2 (Proceedings reported but not transcribed.)

09:54:34 3 (Jury in at 9:54 a.m.)

09:54:40 4 THE COURT: You may all be seated. The 15 jurors
09:54:43 5 have rejoined us in the courtroom.

09:54:45 6 I've kept you waiting again. Good morning. We are going
09:54:50 7 to continue with the testimony of the witness on the stand who
09:54:53 8 remains under oath. Now it's defense counsel's opportunity to
09:55:00 9 cross-examine the witness.

09:55:01 10 We are going to be going in chunks again of about 30
09:55:04 11 minutes.

09:55:08 12 The defense may proceed to cross-examination.

09:55:11 13 MR. McBRIDE: Thank you, Your Honor.

09:55:12 14 THE COURT: Very well.

09:55:24 15 MR. McBRIDE: Judge, may I remove my mask?

09:55:26 16 THE COURT: Yes.

09:55:27 17 MR. McBRIDE: Thank you.

09:55:34 18 THE COURT: For purpose of the court reporter,
09:55:36 19 please state your name, and would you spell names because this
09:55:39 20 is her first time in the room on this.

09:55:41 21 MR. McBRIDE: Yes, Your Honor.

09:55:42 22 THE COURT: Thank you.

09:55:43 23 **CROSS-EXAMINATION**

09:55:43 24 BY MR. McBRIDE:

09:55:44 25 Q. Good morning, Agent Hull. My name is Bob McBride.

09:55:47 1 MR. McBRIDE: For the court reporter, I will spell
09:55:49 2 my last name. M-C-capital-B-R-I-D-E.
09:56:02 3 BY MR. McBRIDE:
09:56:02 4 Q. Agent Hull, I know that you are a Supervisory Special
09:56:07 5 Agent, but do you mind if I just refer to you as Special Agent
09:56:10 6 Hull for the purposes of simplicity today?
09:56:13 7 A. That's fine.
09:56:14 8 Q. Okay. Thank you. Also, I promise you I will not keep
09:56:18 9 you on the stand over three days. Okay?
09:56:25 10 THE COURT: That was a joke; is that right?
09:56:27 11 MR. McBRIDE: It was. My poor attempt at humor.
09:56:28 12 THE COURT: Ho-ho-ho. I just wanted to be clear.
09:56:36 13 BY MR. McBRIDE:
09:56:37 14 Q. Also, if I ask a question you don't understand or I've
09:56:41 15 been unclear, please tell me so, and I'll try to ask you a
09:56:44 16 better question, okay?
09:56:46 17 A. Okay.
09:56:50 18 Q. I'd like to start off where we left on Friday, which is
09:56:58 19 with the pictures that were shown to the jury that Mr. Heng
09:57:06 20 had on his cell phone.
09:57:11 21 I believe that you opined that Mr. Heng and Mr. Xu had
09:57:18 22 these photographs in case Dr. Zheng did not cooperate; is that
09:57:25 23 correct?
09:57:25 24 A. Yes.
09:57:28 25 Q. And the implication was that they would somehow threaten

09:57:33 1 them, threaten Dr. Zheng with these photographs; is that
09:57:37 2 correct?

09:57:37 3 A. Yes.

09:57:38 4 Q. All right. I'd like to explore that opinion.

09:57:45 5 MR. McBRIDE: Your Honor, may I publish to the jury
09:57:48 6 Government's Exhibit 6g, which is already admitted into
09:57:50 7 evidence?

09:57:51 8 THE COURT: Yes.

09:57:52 9 MR. McBRIDE: Thank you.

09:57:52 10 THE COURT: Give us a moment.

09:57:54 11 MR. McBRIDE: May I approach the jury, Your Honor,
09:57:57 12 and the witness?

09:57:58 13 THE COURT: You are going to approach the witness?

09:58:01 14 MR. McBRIDE: The jury and the witness, just hand
09:58:03 15 them these documents.

09:58:04 16 THE COURT: Yes. 6g is on the screen.

09:58:08 17 MR. McBRIDE: Oh, g is on the screen?

09:58:10 18 THE COURT: You asked to publish it?

09:58:13 19 MR. McBRIDE: Yes, Your Honor.

09:58:13 20 THE COURT: The jury can see it on the screen.

09:58:15 21 MR. McBRIDE: And it's 8g. I'm sorry.

09:58:18 22 THE COURT: You want 8g?

09:58:20 23 MR. McBRIDE: 8g, Judge.

09:58:26 24 THE COURT: We will get 8g up momentarily.

09:58:29 25 They are on the screen. Do you want them to have paper

09:58:33 1 copies?

09:58:33 2 MR. McBRIDE: No, Your Honor. I was going to hand
09:58:35 3 them out because the government did before.

09:58:37 4 THE COURT: If you wish to, you may.

09:58:40 5 MR. McBRIDE: That's quite all right, as long as the
09:58:42 6 jury can see these. Thank you, Judge.

09:58:44 7 BY MR. McBRIDE:

09:58:45 8 Q. And, Agent Hull, you can see that 8g on the screen, that
09:58:48 9 first page?

09:58:50 10 THE COURT: I have got hands up from the jurors.

09:58:54 11 MR. MANGAN: May I ask, is this visible to the
09:58:57 12 gallery?

09:58:58 13 THE COURT: It is not visible to the gallery.

09:59:03 14 Would you accommodate me and let me reverse course and
09:59:06 15 ask you to present the photographs in hard copy to the jurors?

09:59:10 16 MR. McBRIDE: Absolutely, Your Honor.

09:59:26 17 May I first hand one to the agent?

09:59:30 18 THE COURT: Yes.

10:00:07 19 BY MR. McBRIDE:

10:00:08 20 Q. Agent Hull, I saw you looking at all the photographs.
10:00:10 21 Are they all there for Exhibit 8g?

10:00:13 22 A. Those that were provided by the government, yes.

10:00:16 23 Q. Thank you.

10:00:17 24 THE COURT: Let me pause and make sure the jurors
10:00:19 25 have copies. Is there a juror who does not have a copy?

10:00:24 1 THE JUROR: Three of us.

10:00:25 2 THE COURT: There are a bunch in the back row and
10:00:27 3 some in the front.

10:00:29 4 I would ask you to share, but the three of you in the
10:00:32 5 front left are going to need at least one copy.

10:00:35 6 Is there any juror who is not able to see the packet of
10:00:38 7 photographs?

10:00:39 8 I see no hands.

10:00:41 9 You may proceed, Mr. McBride.

10:00:44 10 MR. McBRIDE: Thank you, Your Honor.

10:00:46 11 BY MR. McBRIDE:

10:00:46 12 Q. So, Agent, I think you testified when you are discussing
10:00:49 13 these exhibits that Mr. Heng got them off of WeChat; is that
10:00:56 14 correct?

10:00:56 15 A. WeChat and QQ, to our understanding.

10:01:00 16 Q. QQ is an earlier version of WeChat, is it not?

10:01:03 17 A. It's a different application.

10:01:05 18 Q. Both operated by Tenent, correct?

10:01:09 19 A. Tencent.

10:01:11 20 Q. Tencent, thank you.

10:01:16 21 So I'm curious, if Mr. -- or Dr. Zheng put these on
10:01:23 22 WeChat, how they could be used as a threat. So we're going to
10:01:32 23 talk about that.

10:01:34 24 So WeChat and QQ have what, about -- do you know whether
10:01:38 25 it has -- what? About a billion subscribers, do you think

10:01:44 1 that's about right?

10:01:45 2 A. I could believe that, yes.

10:01:49 3 Q. Okay. And you also testified earlier that it was a lot
10:01:49 4 like Facebook where you could download pictures; is that
10:01:53 5 correct?

10:01:53 6 A. You can upload pictures, yes.

10:01:55 7 Q. Upload pictures, okay. And they can also be downloaded,
10:01:59 8 correct?

10:01:59 9 A. I'm not familiar with that part.

10:02:01 10 Q. Okay. That's fair. But with WeChat and QQ, you can
10:02:06 11 download pictures, correct?

10:02:07 12 A. Again, you can upload. I'm familiar with that portion
10:02:11 13 of it. I am not familiar with the download portion of it.

10:02:13 14 Q. So you don't know whether or not they could be
10:02:15 15 downloaded?

10:02:16 16 A. Well, they clearly can because they were in the MSS's
10:02:20 17 possession.

10:02:21 18 Q. Fair enough. So Dr. Zheng published these pictures on an
10:02:28 19 application that about a billion people subscribe to; is that
10:02:32 20 right?

10:02:32 21 A. Again, a billion possibly, yes.

10:02:37 22 Q. And, of course, WeChat and QQ are heavily used in China,
10:02:41 23 correct?

10:02:41 24 A. Yes.

10:02:42 25 Q. They are, of course, Chinese applications?

10:02:45 1 A. They are.

10:02:45 2 Q. And as you testified, they are applications that have
10:02:51 3 additions to them other than Facebook, correct?

10:02:54 4 A. Yes.

10:02:54 5 Q. Things like you can pay bills with it, correct?

10:02:59 6 A. Yes.

10:02:59 7 Q. And you can chat with multiple people in the same stream,
10:03:03 8 correct?

10:03:03 9 A. Yes.

10:03:04 10 Q. All right. Very good. So I'm curious about these
10:03:08 11 pictures and why they're a threat, and so I would like to look
10:03:12 12 at them, all right?

10:03:15 13 Let's first turn to Government Exhibit 8g, page 1. Let's
10:03:24 14 look to the left of that image. Do you see anyone in
10:03:32 15 Dr. Zheng's family in that image?

10:03:36 16 A. I do not.

10:03:38 17 Q. That's sort of an image of somebody watching some sort of
10:03:43 18 event or at some sort of picnic or something like that?

10:03:48 19 A. I believe it's Voice of America Park in Mason.

10:03:51 20 Q. Say again, please.

10:03:52 21 A. I believe it's Voice of America Park in Mason.

10:03:55 22 Q. Very good. Thank you. And then the picture on the
10:03:58 23 right, I think you testified, is a picture of Dr. Zheng's
10:04:03 24 garden, correct?

10:04:03 25 A. I believe it is, yes.

10:04:04 1 Q. Are they going to threaten Dr. Zheng because they have a
10:04:09 2 picture of his garden?

10:04:10 3 A. Well, these are a collection of more than 200 images
10:04:17 4 that were brought to the meeting by the MSS. So speaking to
10:04:21 5 one of these individual images is a bit disingenuous.

10:04:26 6 Q. Well, I assume that the government picked out the most
10:04:30 7 salacious -- or pardon me -- damaging -- let me strike that.
10:04:35 8 I suppose the government picked out the best examples to put
10:04:38 9 in this compilation exhibit of what could be used to leverage
10:04:42 10 Dr. Zheng; is that fair?

10:04:45 11 A. No.

10:04:46 12 Q. Why isn't it fair?

10:04:47 13 A. They were selected so they would be an example. And if
10:04:53 14 you go further into the packet --

10:04:56 15 Q. Agent, I'm not asking any questions about going further
10:05:00 16 in the packet, although we will.

10:05:03 17 So you're telling me that the government isn't picking
10:05:06 18 out the best examples of photographs that can be used to
10:05:10 19 leverage Dr. Zheng to support your opinion. Is that what
10:05:13 20 you're telling me?

10:05:14 21 A. They're a selection.

10:05:16 22 Q. That's not an answer to my question. Are you telling me
10:05:19 23 that the government did not pick out the best examples of
10:05:23 24 photographs that could be used to leverage Dr. Zheng? Yes or
10:05:29 25 no.

10:05:29 1 A. They are a selection of photographs selected by the
10:05:32 2 government as examples in the total collection.

10:05:35 3 Q. So I will take that as a "no."

10:05:41 4 Let's look to Exhibit Number 2. I'm sorry. Page number
10:05:48 5 2.

10:05:55 6 These photographs appear to be a copy or pictures of
10:05:58 7 Dr. Zheng on vacation, do they not?

10:06:01 8 A. They do.

10:06:01 9 Q. And so the MSS is going to threaten Dr. Zheng because
10:06:07 10 he's on vacation; is that right?

10:06:11 11 A. I think it shows that they took their time to learn
10:06:17 12 about their target.

10:06:19 13 Q. Well, what do you base that opinion on? You weren't
10:06:23 14 there when these pictures were downloaded, were you?

10:06:26 15 A. I was not.

10:06:26 16 Q. And you don't know these people personally, do you?

10:06:30 17 A. Whom?

10:06:32 18 Q. Xu or Heng?

10:06:37 19 A. I do not know them personally, no.

10:06:40 20 Q. In fact, you never even interviewed either of these two
10:06:43 21 gentlemen, did you?

10:06:43 22 A. Your defendant would not speak with us. Your client,
10:06:46 23 rather. Excuse me.

10:06:46 24 Q. Well, that's his constitutional right, is it not?

10:06:50 25 A. Absolutely.

10:06:50 1 Q. So you are attacking him for exercising his
10:06:54 2 constitutional right?

10:06:55 3 A. I am not.

10:06:56 4 Q. Because, of course, you are an officer of the United
10:06:58 5 States, correct?

10:06:59 6 A. I am.

10:06:59 7 Q. So back to my question. MSS is going to threaten
10:07:05 8 Dr. Zheng because he went on vacation. Is that what you're
10:07:09 9 telling this jury?

10:07:10 10 A. No. I'm saying -- I'm simply indicating the presence
10:07:14 11 of over 200 images brought to a meeting in a foreign country
10:07:20 12 could be used as a means for coercion.

10:07:25 13 Q. Could be. And that's why we're exploring this question.
10:07:29 14 I don't understand how they could be since these are the
10:07:34 15 government's selection of photographs, are they not?

10:07:37 16 A. Yes.

10:07:39 17 Q. All right. Let's move to Exhibit -- or page number 3.

10:07:45 18 I believe on the left-hand side we have a picture of
10:07:50 19 somebody shoveling snow. Do you know who that is?

10:07:54 20 A. I do not.

10:07:55 21 Q. All right. You don't know whether it's Dr. Zheng, do
10:07:58 22 you?

10:07:58 23 A. I do not.

10:07:59 24 Q. Because you can't see that person's face, can you?

10:08:01 25 A. No.

10:08:04 1 Q. All right. And then on the right, we have two kids in
10:08:07 2 winter jackets, correct?

10:08:08 3 A. Yes.

10:08:09 4 Q. All right.

10:08:13 5 A. They appear to be trick-or-treating.

10:08:16 6 Q. Yes, they do.

10:08:17 7 So you're assuming these are Dr. Zheng's kids?

10:08:20 8 A. I know they are not.

10:08:21 9 Q. You know they are not Dr. Zheng's kids?

10:08:26 10 A. I do.

10:08:27 11 Q. So I really don't see the threat value here of Government
10:08:32 12 Exhibit Number -- or page number 3. Do you?

10:08:37 13 A. Again, it's a collection of images that the MSS brought
10:08:44 14 to a meeting.

10:08:46 15 Q. And a collection of images the government put in a
10:08:49 16 composite exhibit to show the dangerous exhibits that could be
10:08:53 17 used to leverage Dr. Zheng, correct?

10:08:55 18 A. Yes.

10:08:57 19 Q. But that -- those two particular images don't have
10:09:03 20 anything to do with Dr. Zheng, do they?

10:09:05 21 A. The one on the right is outside his home.

10:09:09 22 Q. Well, you don't know who's shoveling snow outside his
10:09:13 23 home, do you?

10:09:13 24 A. That would be the one on the left. I said the one on
10:09:16 25 the right.

10:09:16 1 Q. My apologies. Have you been to Dr. Zheng's home?

10:09:20 2 A. I have.

10:09:21 3 Q. So you surveilled Dr. Zheng's home?

10:09:25 4 A. Yes.

10:09:25 5 Q. Okay. But you don't know who those kids are?

10:09:28 6 A. I do not.

10:09:29 7 Q. So they are going to threaten Dr. Zheng with pictures of
10:09:34 8 primroses and a pathway in his front yard?

10:09:37 9 A. Potentially.

10:09:38 10 Q. Why? You were able to surveil him there. You didn't
10:09:44 11 threaten him, did you?

10:09:45 12 A. No, I did not.

10:09:46 13 Q. So I assume it's because the MSS can show they know where
10:09:50 14 he lives. Is that what you're saying?

10:09:52 15 A. That would be a fair conclusion.

10:09:54 16 Q. Well, where he lives is a matter of public information,
10:09:58 17 is it not?

10:09:58 18 A. Inside the United States it is.

10:10:01 19 Q. You're telling me that you can't get on the Internet and
10:10:04 20 find Dr. Zheng's address?

10:10:07 21 A. You could.

10:10:07 22 Q. Are you telling me that you can't get on the Internet and
10:10:11 23 see the Google images of his house?

10:10:16 24 A. You can.

10:10:17 25 Q. Okay. And so if MSS is such an elite spy organization,

10:10:22 1 you figure they can do that too, right?

10:10:24 2 A. Yes.

10:10:24 3 Q. Okay. Let's turn to page 4.

10:10:35 4 The image on the left appears to be Dr. Zheng at the
10:10:41 5 Flying Pig, correct?

10:10:43 6 A. It appears so, yes.

10:10:44 7 Q. Do you know how many people participate in the Flying
10:10:47 8 Pig?

10:10:47 9 A. I do not.

10:10:48 10 Q. Do you ever run it?

10:10:52 11 A. No.

10:10:52 12 Q. And the image on the right appears to be Dr. Zheng
10:10:56 13 standing in front of one of our bridges at the Ohio River; is
10:10:59 14 that correct?

10:10:59 15 A. Yes. My recollection, this was a game day for GE
10:11:03 16 employees.

10:11:04 17 Q. Okay. So the MSS is going to threaten him because he ran
10:11:08 18 the Flying Pig, right?

10:11:13 19 A. No.

10:11:14 20 Q. Is that what you are telling us?

10:11:15 21 A. No. Again, it's the totality of the images.

10:11:18 22 Q. I understand that. But these are the selection the
10:11:20 23 government picked out, correct?

10:11:22 24 A. They are a selection, yes.

10:11:24 25 Q. And these are the ones the government is representing to

10:11:27 1 the jury are the most important images for the sake of
10:11:38 2 leveraging Dr. Zheng; is that correct?

10:11:39 3 A. They are examples.

10:11:40 4 Q. So I will take that as a "yes," Agent.

10:11:46 5 Let's turn to page 5.

10:11:52 6 Would you agree with me that the image on the left is
10:11:55 7 Dr. Zheng having finished the Flying Pig?

10:12:00 8 A. Based on the memo, I would agree, yes.

10:12:04 9 Q. And in the middle there is Dr. Zheng in a park somewhere.
10:12:09 10 Do you know that location?

10:12:11 11 A. I do not.

10:12:11 12 Q. And on the right we have Dr. Zheng in a river. Do you
10:12:15 13 know what that location is?

10:12:17 14 A. I remember asking about it once, but I don't remember
10:12:20 15 precisely at this moment, no.

10:12:22 16 Q. So it's somewhere in the area, Little Miami or somewhere
10:12:25 17 like that; is that correct?

10:12:26 18 A. I really don't remember.

10:12:27 19 Q. Okay. That's fair. And so these images of Dr. Zheng
10:12:31 20 doing certain leisure activities, the MSS is going to leverage
10:12:38 21 these again him. Is that what you are telling us?

10:12:41 22 A. It could be, yes.

10:12:43 23 Q. So Dr. Zheng attends the public Flying Pig, and that
10:12:48 24 could be used to leverage him?

10:12:50 25 A. Yes. Intimidation.

10:12:53 1 Q. How is the MSS going to intimidate him from China in
10:12:59 2 Cincinnati?

10:13:01 3 A. Quite easily.

10:13:03 4 Q. Why don't you tell us how.

10:13:05 5 A. He still has family in China.

10:13:07 6 Q. Well, that's -- that's true. Wouldn't it be a whole lot
10:13:10 7 easier for MSS to threaten the family in China?

10:13:14 8 A. It could, yes.

10:13:15 9 Q. Well, they've got control over the family in China, don't
10:13:20 10 they?

10:13:20 11 A. Yes.

10:13:21 12 Q. And they also have access to all their information, their
10:13:25 13 emails, their texts, all of that in China, don't they?

10:13:27 14 A. They do.

10:13:28 15 Q. So it doesn't really make much sense to show Dr. Zheng
10:13:34 16 pictures of his life in America when they've got his family
10:13:36 17 back home, correct?

10:13:37 18 A. I would -- I would disagree with that statement.

10:13:42 19 Q. Well, I understand you disagree with it, but the logic
10:13:45 20 is, is it not, that the family in China is a lot more
10:13:49 21 accessible than the family in Cincinnati, right?

10:13:51 22 A. But, again, if you are going to coerce, you go to the
10:13:55 23 one that you are closer to, which would include yourself
10:13:59 24 and, in later images, your spouse and your child.

10:14:03 25 Q. Agent, you know very well that in Chinese culture

10:14:09 1 familial piety, in other words, honoring your elders, is an
10:14:14 2 extremely important cultural imperative; is it not?

10:14:18 3 A. It is.

10:14:18 4 Q. And so you honor your relatives, correct? In China, you
10:14:27 5 honor your relatives, correct?

10:14:28 6 A. Yes.

10:14:29 7 Q. And that actually is a duty in the Chinese culture, is it
10:14:33 8 not?

10:14:34 9 A. It is.

10:14:34 10 Q. So what you're saying is Dr. Zheng cares less about his
10:14:39 11 family in China than he does about his activities in the
10:14:44 12 United States. Is that what you're telling us?

10:14:47 13 A. I am not.

10:14:47 14 Q. Let's turn to page 6.

10:15:00 15 On the left, there is Dr. Zheng going into a tennis
10:15:05 16 match, correct?

10:15:05 17 A. Yes.

10:15:06 18 Q. And that's a public event, is it not?

10:15:09 19 A. It is. It appears to be the Southern-Western Open.

10:15:12 20 Q. And thousands of people attend that event, don't they?

10:15:15 21 A. They do.

10:15:16 22 Q. So that's not exactly something that MSS is going to use
10:15:25 23 to exploit Dr. Zheng, is it?

10:15:26 24 A. Again, the totality of the images.

10:15:29 25 Q. Let's go to that, the totality of the image. You could

10:15:33 1 download 200 images with the click of a mouse, couldn't you?

10:15:38 2 A. On WeChat, I could not.

10:15:39 3 Q. Well, but somebody could?

10:15:41 4 A. The MSS could.

10:15:43 5 Q. Absolutely. Or somebody who had friended Dr. Zheng on

10:15:49 6 WeChat too, correct?

10:15:51 7 A. I honestly couldn't answer that. I don't know.

10:15:56 8 Q. But you don't know download -- that's right. You told us

10:15:59 9 you don't know how to download images from WeChat; is that

10:16:02 10 correct?

10:16:02 11 A. I have never done it before.

10:16:03 12 Q. All right. So you're not even sure if the MSS could do

10:16:06 13 it, are you?

10:16:06 14 A. I know that the 200-plus images were downloaded in 28

10:16:11 15 seconds based on the time stamp of the images themselves.

10:16:14 16 Q. Right. That's what computers do; they download images

10:16:17 17 quickly, right?

10:16:17 18 A. Especially if the MSS has control over the application,

10:16:17 19 they certainly do.

10:16:22 20 Q. You don't have any evidence MSS has control over that

10:16:27 21 application, do you?

10:16:28 22 A. I know it happened in 28 seconds.

10:16:29 23 Q. And, again, computers make downloading images fast, don't

10:16:32 24 they?

10:16:33 25 A. Potentially, yes.

10:16:34 1 Q. So the answer is "yes" to that question, okay.

10:16:36 2 Look at the right side of that picture.

10:16:41 3 It's Dr. Zheng in a parking lot. Is he at the tennis
10:16:45 4 match in that picture, do you know?

10:16:47 5 A. I actually don't believe the picture on the right is
10:16:50 6 Dr. Zheng.

10:16:51 7 Q. It is Dr. Zheng?

10:16:52 8 A. I don't know that it is.

10:16:53 9 Q. Okay. So now we have one of these pictures that we don't
10:16:56 10 even know if it's Dr. Zheng, correct?

10:17:00 11 A. Yes.

10:17:01 12 Q. So, again, this is one of the examples the government
10:17:07 13 picked out to show how Dr. Zheng could be leveraged, and it's
10:17:11 14 not anybody we know; is that correct?

10:17:13 15 A. It's an example of the picture of the 200 plus, yes.

10:17:17 16 Q. I will take that as a "yes."

10:17:21 17 THE COURT: I'm going to caution you about
10:17:23 18 testifying.

10:17:25 19 MR. McBRIDE: Yes, Your Honor.

10:17:26 20 THE COURT: If you want to get a comment from him,
10:17:28 21 ask your question.

10:17:30 22 MR. McBRIDE: Yes, Your Honor.

10:17:30 23 BY MR. McBRIDE:

10:17:31 24 Q. Let's look at page 7.

10:17:32 25 And the image on the left, what does that appear to be?

10:17:46 1 A. That's the Eiffel Tower.

10:17:50 2 Q. So we believe that's in France, do we not?

10:17:52 3 A. It is in France.

10:17:54 4 Q. Okay. There is nothing illegal about going to France, is

10:17:58 5 there?

10:17:59 6 A. Not to the best of my knowledge, no.

10:18:01 7 Q. And let's look at the image on the right. Is that also

10:18:07 8 in France?

10:18:08 9 A. It's The Louvre.

10:18:09 10 Q. It's The Louvre in France?

10:18:11 11 A. It's in Paris.

10:18:13 12 Q. And, again, there's nothing wrong or illegal about

10:18:19 13 visiting The Louvre, is there?

10:18:22 14 A. No.

10:18:23 15 Q. Let's go to page number 8.

10:18:26 16 Do you know who the baby is on the left?

10:18:29 17 A. I do, yes.

10:18:29 18 Q. Who is it?

10:18:30 19 A. It's Dr. Zheng's son.

10:18:32 20 Q. How old is Dr. Zheng's son?

10:18:35 21 A. Now?

10:18:36 22 MR. MANGAN: Objection.

10:18:37 23 THE COURT: Basis?

10:18:38 24 MR. MANGAN: Relevance.

10:18:39 25 THE COURT: I don't see the relevance, but I'll give

10:18:41 1 you some latitude.

10:18:42 2 What was the question, Mr. McBride?

10:18:46 3 MR. McBRIDE: Thank you, Your Honor.

10:18:46 4 BY MR. McBRIDE:

10:18:47 5 Q. So on the left, this is Dr. Zheng's baby, correct?

10:18:49 6 A. Yes.

10:18:50 7 Q. And, again, this is one of the photos that the government
10:18:52 8 picked out to show leverage against Dr. Zheng, correct?

10:18:56 9 A. Yes.

10:18:57 10 Q. And the baby's where? At home in this picture?

10:19:00 11 A. It could be, yes.

10:19:01 12 Q. All right. And so what you are saying is the MSS can get
10:19:04 13 to this baby. Is that what you're saying?

10:19:06 14 A. I'm saying it's a tool for coercion. I doubt any juror
10:19:11 15 member would like to see a picture of their child by a
10:19:14 16 stranger in a foreign country.

10:19:18 17 Q. Except that Dr. Zheng uploaded all of these images to a
10:19:24 18 platform that had one billion users, correct?

10:19:28 19 A. Certainly, just like Facebook. But I'm sure everybody
10:19:33 20 doesn't want every image they put on Facebook seen by the
10:19:37 21 world, or used by the MSS.

10:19:39 22 Q. And, of course, you are speculating about what other
10:19:42 23 people might want or might not want, correct?

10:19:45 24 A. I certainly wouldn't want it.

10:19:46 25 Q. Fair enough. But you can't speak for everyone, can you?

10:19:48 1 A. I cannot.

10:19:49 2 Q. All right. And, of course, the picture on the right is
10:19:51 3 Dr. Zheng's wife; is that correct?

10:19:53 4 A. And his son, yes.

10:19:54 5 Q. And his son, thank you.

10:19:57 6 And, again, he uploaded this image to WeChat, correct?

10:20:04 7 Or QQ?

10:20:05 8 A. Yes.

10:20:06 9 Q. And there are about a billion people that have access to
10:20:12 10 images -- or a billion people use WeChat and QQ, correct?

10:20:18 11 A. Yes.

10:20:27 12 MR. McBRIDE: May I have a moment, Your Honor?

10:20:29 13 THE COURT: Yes.

10:20:32 14 (Pause.)

10:20:39 15 BY MR. McBRIDE:

10:20:39 16 Q. So I think you also testified, Agent, that there were a
10:20:42 17 number of other people who Qu Hui or Mr. Xu invited to do
10:20:55 18 lectures, correct?

10:20:56 19 A. Yes.

10:20:56 20 Q. And they would include Linda Li, correct?

10:21:00 21 A. Yes.

10:21:01 22 Q. You found no evidence of threats or leverage against
10:21:05 23 Linda Li, did you?

10:21:06 24 A. I wasn't the case agent on that investigation.

10:21:09 25 Q. Okay. So you don't know?

10:21:10 1 A. I was not the case agent on that investigation.

10:21:12 2 Q. And if you are not the case agent, then you don't know?

10:21:16 3 A. I didn't do the investigation, so I couldn't say one
10:21:18 4 way or the other.

10:21:19 5 Q. Put it this way: You didn't find any evidence of threats
10:21:22 6 against Linda Li, did you?

10:21:24 7 A. I did not, but I was not the case agent on the
10:21:27 8 investigation.

10:21:28 9 Q. I'm only asking what you found.

10:21:30 10 Did you find any threats against Arthur Gau in your
10:21:35 11 evidence?

10:21:36 12 A. No.

10:21:36 13 Q. There were others. Did you find any threats against any
10:21:41 14 other person who Mr. Xu invited to do a professional exchange?

10:21:51 15 A. I did not, but then those were also the only
10:21:55 16 operational devices anyone recovered from the MSS. So it is
10:21:59 17 unknown to me if there were similar instances with any other
10:22:04 18 exchange invitee.

10:22:05 19 Q. So it sounds like you are speculating that there might
10:22:08 20 be; is that correct?

10:22:09 21 A. I'm saying that we have two phones with two MSS
10:22:13 22 officers and one of them did.

10:22:16 23 Q. But for the others that were invited, there are no
10:22:18 24 threats against them, are there?

10:22:20 25 A. Not that I am aware of.

10:22:22 1 Q. Okay, fair. All right.

10:22:26 2 THE COURT: If you're done with the photos, can we
10:22:29 3 collect them, please?

10:22:30 4 MR. McBRIDE: Oh, yes. Thank you, Judge. May I
10:22:33 5 approach the jury?

10:22:35 6 THE COURT: Yes.

10:22:37 7 MR. McBRIDE: And the agent?

10:22:40 8 THE COURT: Yes.

10:23:06 9 And for planning purposes, we're rolling up on a recess.

10:23:14 10 MR. McBRIDE: Yes, sir.

10:23:16 11 THE COURT: You don't have to do it right this
10:23:19 12 minute.

10:23:21 13 BY MR. McBRIDE:

10:23:21 14 Q. One more follow-up on the photographs.

10:23:24 15 Mr. Xu never made it to the meeting in Belgium with
10:23:34 16 Dr. Zheng, did they?

10:23:35 17 A. No.

10:23:36 18 Q. Because you arrested him?

10:23:38 19 A. The Belgian federal police arrested him.

10:23:41 20 Q. You were there, correct?

10:23:42 21 A. I was in Brussels. I was not at the scene.

10:23:45 22 Q. You were not at the scene.

10:23:45 23 A. No.

10:23:47 24 Q. And of course you couldn't have arrested him because you
10:23:49 25 are not a law enforcement officer in Belgium, are you?

10:23:51 1 A. That's correct.

10:23:52 2 Q. Let me get to my question. Dr. Zheng was never coerced
10:23:56 3 or even saw these documents that Heng had, did he?

10:23:59 4 A. In Brussels, no, he did not.

10:24:01 5 Q. You showed them to him afterwards?

10:24:04 6 A. Yes.

10:24:04 7 Q. What was your purpose in showing them to him?

10:24:06 8 A. We wanted to know where they were from because we were
10:24:09 9 concerned for his safety.

10:24:14 10 MR. McBRIDE: Judge, are we close enough to stop?

10:24:16 11 THE COURT: Yes.

10:24:17 12 MR. McBRIDE: Thank you, Your Honor.

10:24:18 13 THE COURT: We have been at it 30 minutes. We are
10:24:23 14 going to take a break, 15 minutes. During the break, please
10:24:26 15 take a break. Don't discuss the case with anyone, including
10:24:27 16 among yourselves. No independent research. Continue to keep
10:24:30 17 an open mind.

10:24:30 18 We will rise as you leave for a 15-minute recess.

10:24:34 19 THE COURTROOM DEPUTY: All rise for the jury.

10:24:35 20 THE COURT: We are going to make it 20 minutes.

10:24:38 21 We'll see you at a quarter of.

10:24:42 22 (Jury out at 10:24 a.m.)

10:25:19 23 THE COURT: The jury's left the room. The door's
10:25:21 24 closed. 20-minute recess.

10:25:23 25 Anything require my attention before the recess from the

10:25:27 1 government?

10:25:27 2 MR. MANGAN: No, Your Honor.

10:25:30 3 THE COURT: Defense?

10:25:32 4 MR. McBRIDE: No, Your Honor.

10:25:40 5 THE COURT: We are in recess for 20 minutes.

10:25:40 6 THE COURTROOM DEPUTY: The court is now in recess.

10:25:42 7 (Recess from 10:25 a.m. until 10:43 a.m.)

10:43:53 8 THE COURT: Are we ready for the jury from the
10:43:54 9 government's perspective?

10:43:56 10 MR. MANGAN: Yes, Your Honor.

10:43:57 11 THE COURT: From the defense?

10:43:58 12 MR. McBRIDE: Yes, sir.

10:43:59 13 THE COURT: Let's call for the jury, please.

10:44:45 14 THE COURTROOM DEPUTY: All rise for the jury.

10:44:56 15 (Jury in at 10:45 a.m.)

10:45:20 16 THE COURT: All 15 jurors have returned to the
10:45:23 17 courtroom.

10:45:23 18 We will continue the cross-examination. The witness
10:45:27 19 remains under oath.

10:45:28 20 You may proceed, Mr. McBride.

10:45:30 21 MR. McBRIDE: Thank you, Your Honor.

10:45:31 22 THE COURT: Very well.

10:45:33 23 BY MR. McBRIDE:

10:45:41 24 **Q.** Agent Hull, I'd like to switch topics now. You testified
10:45:46 25 about your educational experience, and I would like to talk to

10:45:49 1 you about that a little bit if I may.

10:45:52 2 One of my notes indicates that you went to Xavier
10:45:55 3 University; is that correct?

10:45:56 4 A. No.

10:45:58 5 Q. Okay. Apologies. You did your undergraduate at
10:46:03 6 University of Edinburgh, correct?

10:46:04 7 A. Yes.

10:46:05 8 Q. Can you tell us what dates you attended University of
10:46:11 9 Edinburgh for your undergraduate degree?

10:46:14 10 A. 1998 until 2001.

10:46:22 11 Q. How did you end up at University of Edinburgh?

10:46:26 12 A. They accepted me.

10:46:27 13 Q. You are not from England, are you?

10:46:30 14 A. It was in Scotland. And, no, I am not.

10:46:33 15 Q. Scotland, pardon me. You are correct.

10:46:36 16 Where are you from originally?

10:46:37 17 A. From Ohio.

10:46:38 18 Q. Where in Ohio?

10:46:39 19 A. Central Ohio.

10:46:40 20 Q. So you are not from Cincinnati?

10:46:43 21 A. I am not.

10:46:44 22 Q. Did you have a major that you studied at University of
10:46:53 23 Edinburgh as an undergraduate?

10:46:55 24 A. I did.

10:46:55 25 Q. What was it?

10:46:55 1 A. Archeology.

10:47:05 2 Q. And then I believe that you had -- you studied for a

10:47:12 3 master's degree in art at the University of Edinburgh?

10:47:14 4 A. With honors, yes.

10:47:16 5 Q. What dates did you attend University of Edinburgh for

10:47:22 6 your Master's in Art?

10:47:23 7 A. They were concurrent.

10:47:26 8 Q. I'm sorry. Would you explain that? I don't understand.

10:47:30 9 A. At the end of your second year, you take an

10:47:32 10 examination.

10:47:32 11 Q. Okay.

10:47:33 12 A. If you pass it, they consider your undergraduate work

10:47:37 13 completed, and you do two years of work towards the master's

10:47:40 14 degree.

10:47:40 15 Q. So while you were studying archeology for your

10:47:43 16 undergraduate, you were also able to study art for your

10:47:48 17 master's degree in the last two years; is that correct?

10:47:51 18 A. It was a Master's of Art, yes.

10:47:54 19 Q. Pardon me. Master's in Art?

10:47:57 20 A. It was still archeology.

10:48:01 21 Q. So how does a Master's in Art relate to a degree in

10:48:18 22 archeology?

10:48:19 23 A. It's an MA degree. That's just the name of the degree.

10:48:27 24 Q. Okay. So the name of your undergraduate degree is an MA?

10:48:31 25 A. Yes.

10:48:33 1 Q. Okay. So I just want to understand. So you were
10:48:39 2 studying archeology at University of Edinburgh, correct?
10:48:44 3 A. Yes.
10:48:44 4 Q. And you got -- your ultimate degree, though, was an MA in
10:48:50 5 art; is that correct?
10:48:51 6 A. Yes.
10:48:54 7 Q. Why was it an MA in art if you were studying archeology?
10:49:01 8 A. It was just like BA is a bachelorette. It's the same
10:49:06 9 way. It's the way the Scottish system works.
10:49:10 10 Q. Okay. Thank you for your patience with me on that.
10:49:17 11 And then I think you also told us you had an MA in
10:49:20 12 science?
10:49:20 13 A. An MSC, Master's of Science.
10:49:25 14 Q. And did you study for your MSC during the same time you
10:49:31 15 studied for your MA in art?
10:49:33 16 A. No.
10:49:34 17 Q. Okay. What were the dates you studied for your MSC in
10:49:41 18 science?
10:49:43 19 A. 2001 until 2002.
10:49:51 20 Q. Did you have any emphasis, special emphasis you were
10:49:56 21 studying for your MSC in science?
10:49:58 22 A. Archeology with a minor in chemistry.
10:50:08 23 Q. Just out of any -- out of curiosity, did you get to, as a
10:50:15 24 student, attend any archeology digs?
10:50:17 25 A. I did.

10:50:18 1 Q. In England?

10:50:19 2 A. In France and England, Scotland.

10:50:29 3 Q. And then as I understand it, you went on to Oxford for
10:50:37 4 your Ph.D. in geology and stable isotope radiology; is that
10:50:43 5 correct?

10:50:43 6 A. No. It was a Doctorate of Philosophy, and it was in
10:50:48 7 archeology and stabilized isotope geochemistry.

10:50:53 8 Q. So the Doctorate of Philosophy is the title of the degree
10:50:57 9 you received?

10:50:58 10 A. Yes. Oxford's the only place that gives D.Phils.
10:51:02 11 Everybody else gives Ph.D.s.

10:51:05 12 Q. Okay. But it is essentially the same thing, correct?

10:51:10 13 A. Essentially.

10:51:10 14 Q. That's because Oxford has a very long history, does it
10:51:14 15 not?

10:51:14 16 A. Over a thousand years.

10:51:17 17 Q. What college were you in in Oxford?

10:51:19 18 A. St. Cross.

10:51:22 19 Q. When was that established?

10:51:23 20 A. In the '60s. It was an international college. I'm not
10:51:30 21 English.

10:51:31 22 Q. So would you explain to me you were studying in geology,
10:51:39 23 in stabilized isotope radiology? What is that about?

10:51:43 24 A. It's archeology and geochemistry. Specifically, I did
10:51:47 25 research on Anglo-Saxon populations in Central and Southern

10:51:53 1 England where we looked at the stable compounds of carbon,
10:51:56 2 nitrogen, and oxygen as a proxy to determine diet and,
10:52:00 3 therefore, dietary pattern of a proxy for social
10:52:07 4 differentiation.

10:52:12 5 **Q.** So you were studying. Were you obtaining the diet
10:52:22 6 information -- forgive me for dumbing this down -- from bones
10:52:29 7 that had been excavated?

10:52:29 8 **A.** Yes.

10:52:30 9 **Q.** And so you were testing these bones, correct?

10:52:35 10 **A.** Yes, using a particle accelerator.

10:52:38 11 **Q.** With a particle accelerator, to determine what kind of
10:52:42 12 food the individual was eating, correct?

10:52:46 13 **A.** Yes.

10:52:46 14 **Q.** And you did that by analyzing the bone, and it shows what
10:52:52 15 the bone -- what food -- you explain it to me. How does that
10:52:57 16 work?

10:52:58 17 **A.** As you eat food, the majority of the signature from
10:53:01 18 that food comes from your local water source. And that has
10:53:05 19 a fractionation factor that gets laid down in the organic
10:53:09 20 and inorganic fraction of your bones, teeth, and other
10:53:13 21 tissues in your body. And we'd extract the collagen, which
10:53:16 22 is an organic fraction, from your bones, and that's what we
10:53:19 23 analyzed in the mass specs.

10:53:25 24 **Q.** You say you used an electron accelerator in that?

10:53:30 25 **A.** A mass spectrometer. It is a type of particle

10:53:35 1 accelerator, a small one.

10:53:36 2 Q. The same device that's used in urinalysis screening,
10:53:40 3 correct?

10:53:40 4 A. It's the same basic technology. It's a very different
10:53:44 5 type of equipment, but same basic.

10:53:46 6 Q. So I'd like to jump then to your professional experience.
10:53:52 7 Did you work between joining the FBA [sic] and leaving
10:53:58 8 Oxford?

10:53:59 9 A. I only had three months off between leaving Oxford and
10:54:03 10 joining the FBI.

10:54:04 11 Q. Okay. So you didn't have a chance to work; is that fair?

10:54:06 12 A. No.

10:54:07 13 Q. It's not fair, or was that correct?

10:54:09 14 A. I didn't work.

10:54:11 15 Q. Okay. So were you recruited by the FBI?

10:54:15 16 A. I was -- I was contacted at a scientific conference
10:54:21 17 where they showed an interest in my background and skills.

10:54:24 18 Q. What conference were you at?

10:54:29 19 A. It was a conference in Austin, Texas.

10:54:33 20 Q. Was it sponsored by the FBI?

10:54:36 21 A. No.

10:54:37 22 Q. What kind of conference was it?

10:54:39 23 A. It was a state-licensed chemistry conference.

10:54:43 24 Q. Kind of a trade show?

10:54:44 25 A. No.

10:54:45 1 Q. Well, what kind of conference was it? I mean, you
10:54:51 2 described what the title was, but what kind of conference?
10:54:54 3 What was its purpose?

10:54:56 4 A. It was an academic conference. People gave
10:54:59 5 presentations, or they put up posters.

10:55:00 6 Q. Did you give a presentation?

10:55:02 7 A. I had a poster.

10:55:04 8 Q. What does it mean to have a poster at this conference?

10:55:08 9 A. It's basically like a three-by-four, a large piece of
10:55:11 10 paper that has usually the graphs from your research and a
10:55:15 11 couple "X" boxes describing what you saw and what you found.

10:55:18 12 Q. And what's the purpose of this poster?

10:55:21 13 A. Just to give a highlight of the type of research that
10:55:25 14 you've been doing.

10:55:27 15 Q. So is this poster that gives a highlight of your research
10:55:34 16 in order to draw interest from other individuals?

10:55:37 17 A. Yes.

10:55:40 18 Q. And then is that what the FBI saw to approach you?

10:55:44 19 A. Yes.

10:55:45 20 Q. What was the next step? So you said the FBI approached
10:55:51 21 you. What was the next step in this process?

10:55:54 22 A. I began working at the lab division at Quantico.

10:55:58 23 Q. Well, from the point you were approached to the point you
10:56:01 24 became an employee, what happened? What did you do after you
10:56:04 25 were approached?

10:56:05 1 A. I applied and had to complete a SF86, which is the
10:56:10 2 background documentation needed to get a clearance in the
10:56:13 3 United States government.

10:56:19 4 Q. All right. So there was no conversations between when
10:56:26 5 being approached at the conference you were at in Texas and
10:56:32 6 your applying or filling out the SF86?

10:56:36 7 A. I mean, I had to do a job application like anybody else
10:56:39 8 would.

10:56:39 9 Q. Did you submit it through USAJobs?

10:56:43 10 A. I don't recall. This might have been paper back then.

10:56:46 11 Q. Okay. So is it fair to say that being approached sparked
10:56:48 12 your interest in the FBI?

10:56:52 13 A. It did.

10:56:52 14 Q. So when they recruited you, why did you think you would
10:56:58 15 be interested in working at the FBI?

10:57:00 16 A. I was looking to come back to the States. It seemed
10:57:09 17 like an interesting opportunity, so I took it.

10:57:12 18 Q. What about your background in archeology made you think
10:57:20 19 you'd be a good fit for the FBI?

10:57:22 20 A. I spent my entire academic career working with dead
10:57:27 21 people and dead bodies and tissue, and that's basically what
10:57:30 22 the FBI asked me to do. So it wasn't a huge leap.

10:57:33 23 Q. So you wanted to do forensic work at the FBI; is that
10:57:36 24 right?

10:57:36 25 A. It was research, but, yes.

10:57:39 1 Q. Research, okay. And I think you told us you joined the
10:57:45 2 FBI in 2010, correct?

10:57:46 3 A. I became a special agent in 2010.

10:57:49 4 Q. All right. When did you join the FBI?

10:57:51 5 A. I was a contractor from 2008 until my employment.

10:58:00 6 Q. And when were you appointed?

10:58:03 7 A. I'm sorry?

10:58:03 8 Q. When were you appointed, sir?

10:58:05 9 A. To what? I'm sorry.

10:58:07 10 Q. Well, this is why I am trying to get this straight, and I
10:58:12 11 appreciate your patience. So you just told us that you were a
10:58:16 12 contractor for the FBI until 2008.

10:58:19 13 A. Beginning in 2008.

10:58:20 14 Q. Beginning in 2008. I'm going to try to listen more
10:58:25 15 carefully.

10:58:33 16 So how did you become a contractor for the FBI in 2008?

10:58:38 17 A. Through the Oak Ridge Institute of Science and
10:58:43 18 Education. It's a group managed by Oak Ridge National Lab
10:58:47 19 of Tennessee, the quickest way to become working as a
10:58:51 20 researcher.

10:58:52 21 Q. So you were a contractor; you weren't actually an
10:58:55 22 employee of the FBI at that time?

10:58:57 23 A. Yes, but I worked at the lab in Quantico.

10:58:59 24 Q. Certainly. So the Oak Ridge lab sort of supervised the
10:59:07 25 work that you did when you were located at Quantico; is that

10:59:14 1 correct?

10:59:14 2 A. No. I had a supervisor who was an FBI employee.

10:59:17 3 Q. But it was under the auspices of the Oak Ridge National
10:59:20 4 Laboratory; is that right?

10:59:21 5 A. Yes.

10:59:21 6 Q. And this was all before you actually applied to the FBI;
10:59:34 7 is that right?

10:59:35 8 A. Yes.

10:59:36 9 Q. Okay. So just to make sure I understand and the jury
10:59:41 10 understands, you left Oxford, correct? And then you were met
10:59:47 11 by the FBI or someone from the FBI showed interest in your
10:59:52 12 work at this conference in Texas, correct?

10:59:56 13 A. Yes.

10:59:57 14 Q. All right. And then you became a contractor at the FBI
11:00:04 15 for the Oak Ridge National Labs; is that correct?

11:00:08 16 A. Yes.

11:00:09 17 Q. Okay. How did you go from the Texas conference and your
11:00:16 18 interests there to becoming a contractor in 2008 for the Oak
11:00:21 19 Ridge lab?

11:00:21 20 A. Well, again, I was approached, I think it was, in 2007.

11:00:26 21 Q. Right.

11:00:27 22 A. Presenting some of my work at Oxford. They asked me if
11:00:31 23 I was interested, showed me how to apply. I applied.

11:00:36 24 Q. So the FBI showed you how to apply to become a
11:00:39 25 contractor?

11:00:39 1 A. Yeah, they sent me a link to the -- to the website.

11:00:42 2 Q. Okay. What did you do when you were working for the Oak
11:00:55 3 Ridge labs at Quantico?

11:00:56 4 A. I worked on a project trying to take teeth and using a
11:01:03 5 mix of stable and unstable isotopes for the purposes of
11:01:07 6 geolocation. So the idea was that if we found a dead body
11:01:13 7 somewhere in the United States, we would have a geological
11:01:16 8 map based on the isotope values. And you try to match the
11:01:21 9 teeth from that deceased individual to a potential
11:01:23 10 geographic area inside the United States.

11:01:25 11 Q. And how would you match the teeth to the geographical
11:01:29 12 area?

11:01:30 13 A. Because it's dictated by water.

11:01:33 14 Q. Much like your work at Oxford, correct?

11:01:37 15 A. Yes.

11:01:38 16 Q. All right. That makes sense. All right.

11:01:49 17 Did you work with other scientists at the FBI?

11:01:53 18 A. I did.

11:01:55 19 Q. So you're aware that the FBI employs not only special
11:02:02 20 agents but scientists, correct?

11:02:04 21 A. I am.

11:02:04 22 Q. And you are also aware, are you not, that they employ --
11:02:08 23 the FBI employs language specialists?

11:02:11 24 A. I am.

11:02:12 25 Q. In fact, they were used in this case, were they not?

11:02:15 1 A. Yes.

11:02:16 2 Q. And, of course, also intelligence analysts, correct?

11:02:21 3 A. Yes.

11:02:22 4 Q. Do you have an intelligence analyst working for you now?

11:02:25 5 A. Yes.

11:02:25 6 Q. Would you describe the duties of the intelligence
11:02:28 7 analyst?

11:02:28 8 A. They review the reports that agents write up. And if
11:02:33 9 they see that there is any intelligence value to the
11:02:37 10 community, they release that to the USIC, which is the
11:02:40 11 United States intelligence community. Equally they do tasks
11:02:43 12 for things like domain so that we know what companies, for
11:02:47 13 example, that could be targeted by foreign services.

11:02:52 14 Q. Some of the research they do is collect publicly
11:02:56 15 available information, is it not?

11:02:58 16 A. Some of it is, yes.

11:02:59 17 Q. And then the FBI has approximately 10,400 agents. Would
11:03:18 18 you figure that's about right?

11:03:19 19 A. Ballpark, yes.

11:03:21 20 Q. And a total of about, if I told you it was about 3,300 --
11:03:26 21 33,500 employees total, would that sound about right to you?

11:03:30 22 A. Pretty close, yes.

11:03:31 23 Q. Okay. So I'm interested, Agent, how did you go from the
11:03:42 24 work you were doing as a scientist to being a special agent
11:03:47 25 for the FBI?

11:03:48 1 A. I got bored, so I applied.

11:03:53 2 Q. And is that when you filled out your SF87?

11:03:59 3 A. No. I had to do that earlier to get clearance.

11:04:03 4 Q. To become a contractor?

11:04:04 5 A. Yep.

11:04:05 6 Q. All right. So what was the process for you to become a
11:04:09 7 special agent?

11:04:09 8 A. You apply. They give you a written examination, which
11:04:13 9 we call Phase 1. You pass Phase 1. Then you take a second
11:04:19 10 test or an in-person panel, which is Phase 2, which is three
11:04:24 11 senior agents who interview you. You pass that process.

11:04:29 12 You have to do a polygraph, which is a full-scope polygraph.

11:04:33 13 So you are on the lie detector box for however long they

11:04:37 14 need you to be on. You pass that. You get a physical to

11:04:41 15 make sure you are physically sound. And then you have to

11:04:44 16 pass a fitness test before you are even allowed to begin at

11:04:47 17 Quantico.

11:04:48 18 Q. I think you actually have to pass the fitness test every
11:04:52 19 year, don't you?

11:04:53 20 A. We do.

11:04:54 21 Q. I'm curious. Would you agree with me that the duties of
11:05:01 22 an agent are very different from the duties of a scientist,
11:05:04 23 particularly as you practice science?

11:05:06 24 A. Yes.

11:05:07 25 Q. So you told us you got bored doing that work, but it

11:05:14 1 seems like to me -- well, let me ask you it this way: You did
11:05:22 2 that work for ten years as a scientist?

11:05:27 3 A. Yes.

11:05:28 4 Q. What about it made you become bored?

11:05:33 5 A. I realized I was a very educated ditchdigger, and I
11:05:38 6 needed to find something else to do in life.

11:05:42 7 Q. It sounded to me like the work of identifying the bodies
11:05:47 8 of deceased individuals was worthy work. Do you not agree
11:05:57 9 with that?

11:05:57 10 A. Oh, it absolutely was.

11:06:01 11 Q. Because, of course, there are victims, family members who
11:06:10 12 may be looking for that deceased individual, correct?

11:06:13 13 A. Yes. But I didn't do that work.

11:06:17 14 Q. Pardon me?

11:06:17 15 A. I didn't do that work.

11:06:18 16 Q. Understood, understood. But while you were doing your
11:06:21 17 work as a scientist, you understood the importance of that
11:06:26 18 work, did you not?

11:06:27 19 A. Yes, I did.

11:06:29 20 Q. All right. So you've just described yourself in that
11:06:32 21 role as an overeducated ditchdigger, did you not?

11:06:40 22 A. I did.

11:06:41 23 Q. And you also just told us how important that work was,
11:06:46 24 did you not?

11:06:47 25 A. I did.

11:06:48 1 Q. Reconcile those two points of view for us.

11:06:52 2 A. I wanted to try something new. And I had a lot of
11:06:57 3 exposure to agents while in the lab, and it seemed
11:07:00 4 appealing.

11:07:01 5 Q. What seemed appealing about it?

11:07:03 6 A. What the agent job role is.

11:07:07 7 Q. So agents get to apply for and execute search warrants,
11:07:12 8 don't they?

11:07:13 9 A. Amongst other things, yes.

11:07:15 10 Q. We'll talk about some of those other things.

11:07:17 11 And agents get to wear a badge and a gun, don't they?

11:07:21 12 A. They do.

11:07:22 13 Q. And agents also get to conduct surveillance, correct?

11:07:26 14 A. Yes.

11:07:27 15 Q. And agents get to do trash pulls, correct?

11:07:31 16 A. If they are so unlucky to get selected, yes.

11:07:35 17 Q. And agents are allowed to apply for monitoring devices --
11:07:41 18 or pardon me -- tracking devices on automobiles, are they not?

11:07:45 19 A. Yes.

11:07:45 20 Q. And if the judge grants that request, they can place
11:07:49 21 those tracking devices on automobiles, can they not?

11:07:53 22 A. Again, yes.

11:07:55 23 Q. And, of course, they can arrest people, can they not?

11:08:00 24 A. Yes.

11:08:01 25 Q. So is it fair to say agents have a great deal more law

11:08:14 1 enforcement power than does the scientist?

11:08:17 2 A. By definition, yes.

11:08:19 3 Q. And so is that what attracted you to working as an agent?

11:08:25 4 A. In part.

11:08:26 5 Q. What else?

11:08:29 6 A. I was trying to get back to Ohio, and the FBI does not

11:08:34 7 have a lab in Ohio.

11:08:37 8 Q. Had you -- okay. So you had no opportunity as a

11:08:42 9 scientist to go back to Ohio; is that right?

11:08:45 10 A. Yes.

11:08:45 11 Q. And that's where your family is, correct?

11:08:47 12 A. Yes.

11:08:48 13 Q. Okay. Since 2002, the FBI changed its mission, did they

11:09:06 14 not?

11:09:06 15 A. You'd have to be more specific.

11:09:12 16 Q. Certainly. 2002 the towers came down, correct?

11:09:15 17 A. That was 2001.

11:09:16 18 Q. Pardon me. 2001. I am thinking 2002 for another reason

11:09:21 19 I won't share with you.

11:09:22 20 2001 the towers came down, correct?

11:09:25 21 A. Yes.

11:09:25 22 Q. And the FBI before that was primarily a domestic law

11:09:29 23 enforcement agency, correct?

11:09:30 24 A. Maybe primarily, but we have always had a

11:09:33 25 counterintelligence mission.

11:09:34 1 Q. Understood. After 2001, the mission of counter-

11:09:40 2 intelligence increased, did it not?

11:09:42 3 A. I would say the counterterrorism mission increased.

11:09:46 4 Q. All right. So you were telling us that there was no

11:09:50 5 additional emphasis on counterintelligence?

11:09:52 6 A. There may have been, but I wasn't in the FBI in 2002.

11:09:55 7 Q. How does the FBI describe its mission now?

11:09:59 8 A. We are a national security and law enforcement agency.

11:10:03 9 Q. National security first?

11:10:07 10 A. I believe so, yes.

11:10:09 11 Q. And you would agree with me that MSS has, from China's

11:10:22 12 point of view, a national security function, don't you?

11:10:25 13 A. That would be my understanding, yes.

11:10:27 14 Q. Okay. And, in fact, is it your understanding that they

11:10:31 15 have counterintelligence operations?

11:10:33 16 A. Yes.

11:10:35 17 Q. And they also have counterespionage operations?

11:10:39 18 A. Again, yes.

11:10:40 19 Q. And those operations serve the same function for China as

11:10:46 20 they do for the United States, do they not?

11:10:48 21 A. Yes.

11:10:48 22 Q. Do you view China as an enemy of the United States?

11:10:59 23 A. No.

11:11:02 24 Q. How do you view China?

11:11:07 25 MR. MANGAN: I'll object, Your Honor.

11:11:08 1 THE COURT: Basis?

11:11:09 2 MR. MANGAN: Relevance.

11:11:13 3 THE COURT: I've given you a bunch of latitude, and

11:11:15 4 I continue to.

11:11:16 5 The objection's overruled.

11:11:20 6 MR. McBRIDE: Thank you, Your Honor. I'll pull it

11:11:21 7 in. I'll withdraw that question.

11:11:25 8 BY MR. McBRIDE:

11:11:34 9 Q. Where was your first duty station as an agent?

11:11:36 10 A. Boston, Massachusetts.

11:11:38 11 Q. And what were your duties in Boston, Massachusetts?

11:11:42 12 A. I was a counterintelligence agent.

11:11:44 13 Q. Okay. And what dates were you at -- in Boston?

11:11:47 14 A. 2010 until 2015.

11:11:49 15 Q. And what was your next duty station?

11:11:59 16 A. Cincinnati.

11:12:00 17 Q. And when did you arrive in Cincinnati?

11:12:06 18 A. July 2015.

11:12:09 19 Q. And am I correct that that is the duty station that you

11:12:17 20 have been at since?

11:12:18 21 A. Yes.

11:12:18 22 Q. And am I correct that you chose to go to Cincinnati?

11:12:30 23 A. I received a voluntary rotational transfer, for which I

11:12:34 24 had to apply.

11:12:36 25 Q. But it was your preference to go to the Cincinnati

11:12:39 1 offices?

11:12:40 2 A. Yes.

11:12:41 3 Q. Okay. I'd like to know a little bit about your duties
11:12:58 4 when you arrived at the Cincinnati office. What were your
11:13:05 5 duties at the Cincinnati office?

11:13:06 6 A. I was a counterintelligence special agent, and I was
11:13:10 7 also the strategic partnership coordinator.

11:13:14 8 Q. What is the strategic partner coordinator?

11:13:16 9 A. We do outreach with industry.

11:13:18 10 Q. Was General Electric one of your strategic partners?

11:13:23 11 A. At that time they were not.

11:13:24 12 Q. Are they now?

11:13:25 13 A. I'd say yes.

11:13:40 14 MR. McBRIDE: Your Honor, I know we're coming up on
11:13:42 15 a break. This might be a good place to stop.

11:13:44 16 THE COURT: Very well. I appreciate you telling me.

11:13:48 17 MR. McBRIDE: Yes, sir.

11:13:49 18 THE COURT: We have been at it 30 minutes. We are
11:13:51 19 going to break for 15, come back, hear some more testimony,
11:13:51 20 and then I promise we will feed you.

11:13:54 21 During the break, take a break. Don't discuss it amongst
11:13:56 22 yourselves or anyone else. No independent research. Continue
11:13:59 23 to keep an open mind.

11:14:01 24 We'll rise as you leave for 15 minutes.

11:14:04 25 THE COURTROOM DEPUTY: All rise for the jury.

11:14:05 1 (Jury out at 10:14 a.m.)

11:14:50 2 THE COURT: The jury's left the room. We are going
11:14:53 3 to break for 15 minutes.

11:14:54 4 I have given you a lot of latitude on relevance.

11:14:58 5 We're in recess.

11:14:59 6 THE COURTROOM DEPUTY: This court is in recess for
11:15:01 7 15 minutes.

11:15:02 8 (Recess from 11:15 a.m. until 11:30 p.m.)

11:30:36 9 THE COURT: Are we ready to get the jury from the
11:30:39 10 government's perspective?

11:30:40 11 MR. MANGAN: Yes, Your Honor.

11:30:41 12 THE COURT: Defense as well?

11:30:42 13 MR. McBRIDE: Yes, Your Honor.

11:30:43 14 THE COURT: Let's call for the jury, please.

11:31:06 15 (Jury in at 11:31 a.m.)

11:31:33 16 THE COURTROOM DEPUTY: All rise for the jury.

11:32:05 17 THE COURT: You may all be seated.

11:32:12 18 15 jurors have rejoined us.

11:32:14 19 We will continue with cross-examination. The witness
11:32:16 20 remains under oath.

11:32:18 21 MR. McBRIDE: Your Honor, I am very sorry, but I was
11:32:20 22 just told Mr. Xu is having a problem hearing. Could we take a
11:32:25 23 moment to --

11:32:28 24 THE COURT: Yes.

11:32:29 25 MR. McBRIDE: Thank you, Your Honor.

11:32:52 1 (Pause.)

11:32:52 2 MR. McBRIDE: Your Honor, I was just informed the
11:32:56 3 battery of the equipment is out.

11:32:58 4 THE COURT: Take some time.

11:33:01 5 MR. McBRIDE: Thank you, Your Honor.

11:33:49 6 (Pause.)

11:33:49 7 MR. McBRIDE: Your Honor, Mr. Xu can hear. The
11:33:52 8 equipment is fixed.

11:33:53 9 THE COURT: Very well.

11:33:54 10 MR. McBRIDE: May I proceed?

11:33:55 11 THE COURT: Yes.

11:33:57 12 MR. McBRIDE: Thank you, Your Honor.

11:34:03 13 BY MR. McBRIDE:

11:34:21 14 Q. Agent Hull, we were talking about your professional
11:34:24 15 experience and that you were at Cincinnati.

11:34:27 16 I believe you testified that you have become a
11:34:30 17 supervisory special agent?

11:34:33 18 A. Yes.

11:34:33 19 Q. When did that happen, sir?

11:34:35 20 A. January of 2020.

11:34:38 21 Q. Was your promotion related to the work on this case?

11:34:47 22 A. Not exclusively, no.

11:34:50 23 Q. This was an important part of that?

11:34:57 24 A. It was a piece of it.

11:34:59 25 Q. This is a big case, though, isn't it?

11:35:04 1 A. It is.

11:35:05 2 Q. I believe you testified earlier that the FBI's
11:35:28 3 investigation of this matter and -- pardon me. I am going to
11:35:33 4 take this off.

11:35:34 5 The FBI's investigation of this matter and GE's
11:35:37 6 investigation, they had parallel investigations; is that
11:35:41 7 correct?

11:35:41 8 A. Yes.

11:35:42 9 Q. All right. I'd like to explore that a little bit.

11:35:48 10 First of all, does the FBI still have an agent located at
11:35:52 11 General Electric?

11:35:53 12 A. Excuse me?

11:35:54 13 Q. Does the FBI still have an agent located at the General
11:36:02 14 Electric Aviation facility?

11:36:03 15 A. We have never had an agent located at the GE Aviation
11:36:07 16 facility.

11:36:08 17 Q. Do you have an agent in your unit assigned to GE?

11:36:12 18 A. Assigned?

11:36:14 19 Q. Yes.

11:36:14 20 A. No.

11:36:15 21 Q. To work on matters related to GE?

11:36:17 22 A. No.

11:36:18 23 Q. I'd like to show you a document that I believe you are
11:36:38 24 familiar with. Give me a moment.

11:36:59 25 MR. McBRIDE: Your Honor, may I approach the agent?

11:37:01 1 THE COURT: Yes.

11:37:11 2 Is the other side able to see what you are showing the
11:37:14 3 witness?

11:37:30 4 MR. McBRIDE: My apologies, Your Honor.

11:37:46 5 May I approach, Your Honor?

11:37:48 6 THE COURT: Yes.

11:38:05 7 BY MR. McBRIDE:

11:38:05 8 Q. Sir, what is that document?

11:38:07 9 A. It is a PowerPoint presentation from the Domestic
11:38:13 10 Security Alliance Council, called DSAC.

11:38:14 11 Q. Did you participate in that presentation?

11:38:16 12 A. I did.

11:38:17 13 Q. Did you write that document or develop it?

11:38:18 14 A. No. I did, like, one slide.

11:38:24 15 Q. Okay. But you are familiar with the contents of that
11:38:27 16 document?

11:38:27 17 A. I am.

11:38:27 18 Q. All right. What is the Domestic Security Alliance
11:38:33 19 Council?

11:38:33 20 A. It's a group of mostly Fortune 100 companies, maybe
11:38:40 21 Fortune 500 companies who have an association called DSAC,
11:38:45 22 which is run by DSAC, and the FBI participates.

11:38:51 23 Q. Well, isn't it true that Christopher Wray is the chairman
11:38:55 24 of that board or president of that board?

11:38:58 25 A. As an outside role perhaps, yes.

11:39:01 1 Q. And he is the director of the FBI, correct?

11:39:04 2 A. He is.

11:39:05 3 Q. Is GE a member of the Domestic Security Alliance?

11:39:09 4 A. They are now, yes.

11:39:11 5 Q. They weren't before this investigation?

11:39:14 6 A. I don't believe they were, no.

11:39:17 7 Q. The DCSA is a partnership between the U.S. government and

11:39:27 8 private industry, correct?

11:39:31 9 A. It is.

11:39:31 10 Q. It's not just run by private industry, correct?

11:39:34 11 A. Yes.

11:39:34 12 Q. All right. Will you look at your presentation, please?

11:39:51 13 What's the title of that presentation?

11:39:53 14 A. "Economic Espionage, Protection Through Partnership."

11:39:59 15 Q. What are the symbols on the front of that presentation?

11:40:01 16 A. The GE Aviation, I think they call it the meatball, and

11:40:07 17 the FBI seal.

11:40:08 18 Q. Okay. Would you look at the last page of that

11:40:12 19 presentation. Does it list the presenters?

11:40:23 20 A. It does.

11:40:23 21 Q. Would you read those presenters off.

11:40:26 22 A. Mike Huffman, senior security manager; Laura Tubasing,

11:40:31 23 senior compliance and regulatory specialist; Eric Ridder,

11:40:35 24 senior director of cyber security; Michael Bishop, executive

11:40:39 25 counsel, global investigations; Josh Murphy, supervisory

11:40:44 1 special agent, Cincinnati; and Bradley Hull, special agent,
11:40:47 2 Cincinnati.

11:40:48 3 Q. All right. Supervisory Special Agent Murphy and you,
11:40:53 4 when you were a special agent, were two of the presenters,
11:40:56 5 correct?

11:40:56 6 A. Yes.

11:40:57 7 Q. And you work for the FBI, of course.

11:40:59 8 A. Yes.

11:40:59 9 Q. Who did the other presenters work for?

11:41:01 10 A. GE.

11:41:02 11 Q. General Electric?

11:41:03 12 A. Yes.

11:41:04 13 Q. So they made this presentation together with you?

11:41:06 14 A. Yes.

11:41:07 15 Q. All right. What did your investigation call Mr. Xu?

11:41:16 16 A. What did we call him?

11:41:17 17 Q. Um-hmm.

11:41:18 18 A. His name.

11:41:20 19 Q. In that document, doesn't it list your code name for
11:41:24 20 Mr. Xu?

11:41:25 21 A. That was not an FBI code name.

11:41:28 22 Q. Okay.

11:41:33 23 MR. McBRIDE: May I retrieve that, Your Honor?

11:41:36 24 THE COURT: Yes.

11:41:52 25 BY MR. McBRIDE:

11:41:52 1 Q. I'd like to continue to talk about this issue of the
11:42:00 2 parallel investigation, if I may.

11:42:04 3 Is it not correct that after -- well, I think you
11:42:10 4 testified earlier that you notified GE of the circumstances
11:42:16 5 with Dr. Zheng; is that correct?

11:42:16 6 A. Yes.

11:42:16 7 Q. All right. You, being the FBI in general. Was it you
11:42:20 8 specifically?

11:42:20 9 A. It was.

11:42:21 10 Q. Okay. And who did you at GE report them to?

11:42:27 11 A. I'm sorry?

11:42:28 12 Q. Who did you report to GE about Dr. Zheng?

11:42:31 13 A. Two individuals from their security department.

11:42:34 14 Q. What security department? What specific security
11:42:38 15 department?

11:42:39 16 A. They call it the Insider Threat Task Force.

11:42:41 17 Q. Do you know what an insider threat task force is?

11:42:45 18 A. Yes.

11:42:45 19 Q. Just briefly, what's an insider threat?

11:42:49 20 A. GE looks for employees within the company who have red
11:42:54 21 flags, basically activities that are outside of the norm.
11:42:58 22 And they do internal company investigations based off of
11:43:02 23 those red flags.

11:43:03 24 Q. And in this case, you're talking about Dr. Zheng going to
11:43:15 25 China?

11:43:15 1 A. Yes.

11:43:16 2 Q. Will you tell the ladies and gentlemen of the jury what
11:43:21 3 an FD1057 is?

11:43:23 4 A. I'm sorry. Can you repeat that again?

11:43:26 5 Q. What's an FD1057?

11:43:28 6 A. FD1057 is an electronic communication. That's how the
11:43:32 7 FBI documents reports. It's one of the ways we document
11:43:37 8 reports when we meet with individuals or companies.

11:43:41 9 Q. All right.

11:43:43 10 MR. McBRIDE: Your Honor, may I approach the
11:43:45 11 witness?

11:43:45 12 THE COURT: Yes.

11:44:00 13 BY MR. McBRIDE:

11:44:00 14 Q. Sir, what is that?

11:44:01 15 A. It's a report of the meeting on 7-11 of 2017.

11:44:06 16 Q. Who was at that meeting?

11:44:09 17 A. I'm sorry?

11:44:10 18 Q. Who was at that meeting?

11:44:11 19 A. A number of employees at GE Aviation.

11:44:15 20 Q. Would you list their names?

11:44:16 21 A. I can. Michael Huffman, David Handler, Phillip Smith,
11:44:22 22 Darrell Kates, Patrick Alberts, Gordon Myers remotely, Eric
11:44:28 23 Ridder, and a Mike LNU, which means I didn't get his last
11:44:32 24 name, and then myself and SSA Murphy.

11:44:35 25 Q. Would you read -- do you see where it says "synopsis" on

11:44:38 1 that document?

11:44:39 2 A. I do.

11:44:39 3 Q. Would you read that, please?

11:44:42 4 MR. MANGAN: Objection.

11:44:42 5 THE COURT: Basis?

11:44:43 6 MR. MANGAN: Hearsay.

11:44:45 7 THE COURT: Response?

11:44:46 8 MR. McBRIDE: I'm sorry, Your Honor. What was the
11:44:48 9 basis?

11:44:48 10 THE COURT: The objection was hearsay.

11:44:50 11 MR. McBRIDE: Your Honor, this is the agent's
11:44:56 12 document. They're reading -- he is reading from it. He has
11:44:59 13 personal knowledge of it.

11:45:00 14 THE COURT: But he is not able to read somebody
11:45:02 15 else's statement.

11:45:05 16 Sustained.

11:45:05 17 BY MR. McBRIDE:

11:45:05 18 Q. What is this document about?

11:45:07 19 A. A meeting with GE Aviation.

11:45:11 20 Q. All right. And this document deals with the situation
11:45:25 21 involving Dr. Zheng, correct?

11:45:27 22 A. Yes.

11:45:29 23 Q. I'd ask you to look at the last paragraph.

11:45:36 24 Did GE fire Dr. Zheng after this incident was discussed?

11:45:42 25 A. I'm sorry. At this meeting?

11:45:45 1 Q. Yes.

11:45:46 2 A. No.

11:45:47 3 Q. Did they conclude that at that time they did not have
11:45:50 4 enough to fire Dr. Zheng?

11:45:51 5 A. No.

11:45:56 6 Q. No, they did not have enough information to fire
11:46:00 7 Dr. Zheng; is that correct?

11:46:00 8 A. Correct.

11:46:01 9 Q. In the course of your investigation, you found that
11:46:34 10 Dr. Zheng did not take his GE computer to China, correct?

11:46:39 11 A. Yes.

11:46:42 12 Q. He, in fact, took a laptop of his own, correct?

11:46:44 13 A. Yes.

11:46:44 14 Q. And he had downloaded some GE information onto that
11:46:47 15 laptop?

11:46:48 16 A. Yes.

11:46:48 17 Q. At some point GE had everybody at the GE Aviation turn
11:46:55 18 over their personal laptops, correct?

11:46:57 19 A. I don't know if that's completely accurate. There was
11:47:00 20 a degree to that, but not quite to the way you stated it.

11:47:03 21 Q. GE had Dr. Zheng turn over his personal laptop to them,
11:47:07 22 correct?

11:47:07 23 A. Yes.

11:47:07 24 Q. Who did the forensic examination of that laptop?

11:47:11 25 A. A forensic examiner within GE.

11:47:15 1 Q. And they provided that information to the FBI, correct?

11:47:18 2 A. Pursuant to a legal request, yes.

11:47:20 3 Q. Understood. Understood. But they did the analysis which

11:47:24 4 you received, correct?

11:47:25 5 A. They did a forensic image which we received.

11:47:30 6 Q. Fair enough. What's a forensic image?

11:47:32 7 A. It's a copy.

11:47:33 8 Q. And it's a copy that cannot be altered, correct?

11:47:36 9 A. Correct.

11:47:56 10 MR. McBRIDE: Give me a minute, Your Honor, please.

11:48:15 11 BY MR. McBRIDE:

11:48:15 12 Q. I want to go back and start talking about your

11:48:19 13 investigation, all right?

11:48:23 14 A. Okay.

11:48:23 15 Q. The presentation the government gave, and you testified

11:48:28 16 to, was chronologically presented, correct?

11:48:31 17 A. You mean the DSAC presentation?

11:48:34 18 Q. Your presentation in court was chronologically presented,

11:48:37 19 was it not?

11:48:38 20 A. Roughly, yes.

11:48:38 21 Q. Roughly. Fair enough. But your investigation didn't

11:48:42 22 begin until 2017, correct?

11:48:47 23 A. Yes.

11:48:48 24 Q. So I'd like to talk about that a little bit.

11:48:55 25 So you learned of Dr. Zheng's trip to China, and you

11:49:04 1 notified the GE security folks, correct?

11:49:10 2 A. Yes.

11:49:11 3 Q. Specifically, the insider threat security folks?

11:49:16 4 A. Yes.

11:49:17 5 Q. And the insider threat means that somebody is in the
11:49:23 6 company who may be providing information outside the company,
11:49:27 7 correct?

11:49:27 8 A. That's one of the roles they have, yes.

11:49:29 9 Q. Would you define it, please? Would you define what an
11:49:33 10 insider threat is from your perspective?

11:49:35 11 A. Someone who has access within any entity, whether it's
11:49:39 12 a company or government, to collect information without
11:49:42 13 authorization.

11:49:46 14 Q. And so in this case, it was significant that you may have
11:49:54 15 an insider threat at General Electric, correct?

11:49:58 16 A. In this case it was significant. I don't know the
11:50:00 17 number of insider threat cases that GE has on an annual
11:50:04 18 basis.

11:50:04 19 Q. I understand. But this case involved its polymatrix
11:50:10 20 composites, correct?

11:50:11 21 A. Polymetric, yes.

11:50:14 22 Q. Polymetric, thank you. And the polymetric composites are
11:50:19 23 the GE trade secret at issue in this case, correct?

11:50:21 24 A. Yes.

11:50:22 25 Q. And the polymetric composites were developed over a long

11:50:31 1 period of time, correct?

11:50:32 2 A. Decades, to my understanding.

11:50:33 3 Q. And they are used in American military aircraft, correct?

11:50:38 4 A. I don't believe they are.

11:50:39 5 Q. You don't believe they are.

11:50:47 6 So General Electric is a clear defense contractor,

11:50:51 7 correct?

11:50:51 8 A. Yes, they are.

11:50:53 9 Q. All right. So that means in this case military

11:50:59 10 technology is not implicated; is that correct?

11:51:02 11 A. No.

11:51:04 12 Q. I'm sorry. I don't mean to be difficult, but are you

11:51:07 13 saying no military technology is implicated in this case?

11:51:12 14 A. In this instance, no.

11:51:14 15 Q. Thank you. So given that, there was no classified

11:51:23 16 technology in this case, correct?

11:51:26 17 A. There was no classified technology.

11:51:30 18 Q. All right. And there was no ITAR information related to

11:51:33 19 your investigation, correct?

11:51:34 20 A. Related to the defendant, no.

11:51:36 21 Q. All right. So would you tell the ladies and gentlemen

11:51:40 22 what ITAR materials might be?

11:51:43 23 A. ITAR stands for the International Trafficking and Arms

11:51:46 24 Regulation. It's a list of commodities protected under the

11:51:50 25 United States munitions list that are controlled because

11:51:53 1 they have defense applications.

11:51:54 2 Q. But in this case, there is nothing on the USML because
11:51:57 3 military technology is not implicated, correct?

11:52:00 4 A. The compass family are their commercial systems.

11:52:05 5 Q. Thank you. And these commercial systems are a source of
11:52:10 6 income for General Electric, of course?

11:52:15 7 A. I imagine so, yes.

11:52:16 8 Q. And I believe you testified -- and correct me if I'm
11:52:19 9 wrong -- that it was worth a tremendous amount of money to
11:52:25 10 General Electric, correct?

11:52:25 11 A. Yes.

11:52:26 12 Q. How much?

11:52:27 13 A. I don't have that kind of figure.

11:52:30 14 Q. Generally, do you have an idea?

11:52:32 15 A. I do not.

11:52:32 16 Q. Do you have an idea of what it cost to develop General
11:52:36 17 Electric -- it costs General Electric to develop this poly-
11:52:39 18 matrix [sic] composite materials?

11:52:41 19 A. Generally, I imagine it's hundreds of millions, if not
11:52:47 20 billions, of dollars.

11:52:53 21 Q. So just to be clear, this case does not implicate
11:52:59 22 military technology, correct?

11:53:01 23 A. The compass families are used in commercial aircraft
11:53:06 24 systems.

11:53:08 25 Q. And GE has -- sells these engines all over the world, do

11:53:14 1 they not?

11:53:14 2 A. They do.

11:53:16 3 Q. I'd like to talk about these engines in relationship to
11:53:20 4 an organization that you mentioned during your direct
11:53:24 5 testimony called AVIC.

11:53:27 6 A. I say AVIC, but toe-may-toe, toe-mah-toe.

11:53:30 7 Q. AVIC's fine. I'm happy to go with that.

11:53:32 8 So would you describe again for the ladies and gentlemen
11:53:35 9 of the jury what AVIC is?

11:53:37 10 A. It's a state-owned enterprise in China that is one of
11:53:42 11 the components of the Chinese aviation industries.

11:53:46 12 Q. Is it state owned?

11:53:47 13 A. Yes.

11:53:48 14 Q. And does it produce military aircraft designed and
11:53:55 15 research military aircraft for China?

11:53:58 16 A. I believe it does, yes.

11:53:59 17 Q. And does it also design and research large-body
11:54:04 18 commercial vehicles in China?

11:54:06 19 A. Yes.

11:54:06 20 Q. All right. But itself doesn't manufacture any vehicles?

11:54:12 21 A. AVIC?

11:54:13 22 Q. AVIC.

11:54:15 23 A. I don't know that I can answer that.

11:54:18 24 Q. That's fair. That's fair.

11:54:22 25 You also heard Dr. Mulvenon talk about COMAC, did you

11:54:29 1 not?

11:54:29 2 A. I did.

11:54:29 3 Q. All right. Do you know what COMAC is?

11:54:30 4 A. I do.

11:54:30 5 Q. What is COMAC?

11:54:31 6 A. It's another state-owned enterprise in China that is
11:54:35 7 part of the Chinese aviation industries.

11:54:37 8 Q. And what does it do?

11:54:38 9 A. It manufactures the airframes.

11:54:42 10 Q. So tell me if I'm correct. AVIC generally designs and
11:54:46 11 researches the vehicles; COMAC produces some of the vehicles
11:54:51 12 for China?

11:54:53 13 A. Generally, yes.

11:54:54 14 Q. Aircraft, of course, we're talking about. Okay.

11:55:08 15 MR. McBRIDE: Could we put up Exhibit 10, Government
11:55:07 16 Exhibit 10?

11:55:08 17 May I show that to the jury, Your Honor.

11:55:10 18 THE COURT: Government Exhibit what?

11:55:13 19 MR. McBRIDE: 10.

11:55:14 20 THE COURT: Has it been admitted?

11:55:16 21 MR. McBRIDE: Yes, sir.

11:55:16 22 THE COURT: Okay. You can show it to the witness
11:55:19 23 and the jury.

11:55:21 24 BY MR. McBRIDE:

11:55:21 25 Q. Can you see that in front of the screen, Agent?

11:55:23 1 A. I can now, yes.

11:55:24 2 Q. All right. So this is the chart that Dr. Mulvenon
11:55:30 3 discussed to describe the overall structure related to these
11:55:34 4 two organizations, correct?

11:55:35 5 A. Yes.

11:55:39 6 MR. McBRIDE: Paul, could we focus on the bottom
11:55:42 7 third, where it says -- there we are.

11:55:45 8 BY MR. McBRIDE:

11:55:45 9 Q. So COMAC is in the middle of the bottom third, and AVIC
11:55:53 10 is on the right; is that correct?

11:55:55 11 A. It is.

11:55:55 12 Q. Okay. You also, in the context of discussing Safran
11:56:06 13 earlier, alluded to a JV that Safran was involved in?

11:56:13 14 A. Yes.

11:56:13 15 Q. Do you remember that, sir?

11:56:15 16 A. I do.

11:56:15 17 Q. Was that JV CMF International?

11:56:20 18 A. Yes.

11:56:20 19 Q. Or is it CFM?

11:56:22 20 A. Yes.

11:56:23 21 Q. Do you know what that organization does?

11:56:25 22 A. It's a joint venture between GE Aviation and the United
11:56:30 23 States here in Cincinnati and Safran, near Paris, to make
11:56:34 24 that engine system.

11:56:36 25 Q. Make what engine system, sir?

11:56:38 1 A. The CSF-56.

11:56:41 2 Q. Is that also known as the LEAP-1 engine?

11:56:45 3 A. It is.

11:56:45 4 Q. Okay. And the LEAP-1 engine has polymatrix composite

11:56:51 5 families, correct?

11:56:52 6 A. Polymetric, yeah.

11:56:54 7 Q. Polymetric, I apologize. And polymetric housing for the

11:56:59 8 families, correct? Containment housing?

11:57:00 9 A. Yes.

11:57:01 10 Q. All right. Do you know what the containment housing

11:57:03 11 does, just generally?

11:57:04 12 A. If the fans were to break at any time, it would keep

11:57:09 13 the fan contained. It's a containment case so they wouldn't

11:57:12 14 fly through the fuselage or down the plane or anything like

11:57:15 15 that. It's a safety precaution.

11:57:17 16 Q. And so the use of this technology allows the plane to be

11:57:22 17 lighter and bigger, correct?

11:57:23 18 A. And more fuel efficient, yes.

11:57:25 19 Q. And more fuel efficient, thank you.

11:57:25 20 And it gives it more lift, correct?

11:57:27 21 A. Yes.

11:57:27 22 Q. All right. And I think you also testified that GE is the

11:57:33 23 only one with this technology right now?

11:57:35 24 A. That's accurate.

11:57:37 25 Q. Were you aware that Rolls-Royce just developed an engine

11:57:42 1 with the composite technology for its fan blades and
11:57:44 2 containment housing?
11:57:46 3 A. I know it's under development. I don't know its status
11:57:49 4 as far as flight worthiness.
11:57:51 5 Q. But they have developed a functioning engine. Did you
11:57:54 6 know that?
11:57:54 7 A. Again, I don't know its status, but I know they have
11:57:57 8 research into it.
11:57:58 9 Q. Okay. And they, of course, did not steal that technology
11:58:01 10 from General Electric, did they?
11:58:03 11 A. Not to the best of my knowledge.
11:58:05 12 Q. And were you also aware that by 2017 China was developing
11:58:12 13 some components of a polymetric composite containment housing?
11:58:20 14 Were you aware of that?
11:58:21 15 A. If you're referring to the AECC-1, I have a little
11:58:24 16 knowledge on it but not much.
11:58:25 17 Q. All right. That's fair.
11:58:28 18 MR. McBRIDE: Judge, is this a place we would like
11:58:30 19 to stop?
11:58:32 20 THE COURT: Sure.
11:58:33 21 MR. McBRIDE: Or do you want me to continue for a
11:58:35 22 few more minutes?
11:58:36 23 THE COURT: A few more minutes. Maybe 12:15.
11:58:39 24 MR. McBRIDE: Yes, sir. I can do that.
11:58:41 25 BY MR. McBRIDE:

11:58:41 1 Q. So I'd like to talk about these relationships between
11:58:48 2 COMAC and AVIC and GE's LEAP-1 engine, okay?
11:58:55 3 You testified a minute ago that CFM International makes
11:58:59 4 engines. It makes the LEAP-1 engine, does it not?
11:59:03 5 A. I believe so, yes.
11:59:05 6 Q. All right. And it's selling those engines to COMAC, is
11:59:10 7 it not?
11:59:10 8 A. I believe so, yes.
11:59:12 9 Q. And those engines are going in China's C919 aircraft,
11:59:19 10 correct?
11:59:19 11 A. Again, yes.
11:59:20 12 Q. All right. And that aircraft is a -- I think it's a mid-
11:59:25 13 sized commercial liner; is that correct?
11:59:27 14 A. It is. It's shockingly similar to the Boeing 737.
11:59:33 15 Q. Well, a number of American companies are helping develop
11:59:37 16 that vehicle, are they not?
11:59:39 17 A. I wouldn't have that knowledge.
11:59:41 18 Q. Okay. All right. So CFM, meaning GE and Safran, are
11:59:56 19 supplying engines to COMAC, correct?
11:59:58 20 A. Yes.
11:59:58 21 Q. And they are also selling the same composite engines,
12:00:02 22 composite fan blade and containment housing engines around the
12:00:07 23 world, correct?
12:00:07 24 A. That's my understanding, yes.
12:00:09 25 Q. Okay. And GE is providing avionics to the C919, correct?

12:00:16 1 A. Again, to the best of my knowledge, that is correct.

12:00:18 2 Q. All right. And GE is doing that under a JV with AVIC,
12:00:28 3 correct?

12:00:28 4 A. I'm not familiar with that part of it.

12:00:32 5 Q. You did not go that far with it?

12:00:34 6 A. I just don't have -- I am not familiar.

12:00:37 7 Q. You don't know, okay. That's fair.

12:00:40 8 Do you know what GCAT is?

12:00:45 9 A. I do generally, yes.

12:00:47 10 Q. What is it?

12:00:48 11 A. I don't remember the acronym. It's a program where a
12:00:55 12 maintenance crew come from China to the United States, and
12:00:59 13 maybe other countries -- take that back -- other countries
12:01:04 14 that come to the United States that learn how to do
12:01:07 15 specialized maintenance.

12:01:09 16 Q. And that's a joint venture, is it not?

12:01:11 17 A. It's a program. I don't know if it's a joint venture
12:01:14 18 or not.

12:01:15 19 Q. Who's sponsoring the program?

12:01:18 20 A. I believe GE for the versions that I'm aware of.

12:01:22 21 Q. Would you -- is it also like -- well, did you know that
12:01:30 22 GE is working with Aviage and COMAC in that training?

12:01:36 23 A. That sounds close to something I've heard, yes.

12:01:39 24 Q. So you think that might be right?

12:01:44 25 A. It could be.

12:01:44 1 Q. All right. And so you mentioned it's training for
12:01:47 2 mechanics, correct?

12:01:48 3 A. It's my understanding, yes.

12:01:50 4 Q. And does that training include annual seminars?

12:01:53 5 A. Again, it could, yes.

12:01:55 6 Q. Okay. And I think you mentioned that they bring some
12:01:59 7 students in this program to the United States; is that right?

12:02:02 8 A. They do.

12:02:02 9 Q. And they train at GE facilities?

12:02:05 10 A. Yes. They have an off-site, off of the campus, where I
12:02:09 11 think they do it.

12:02:10 12 Q. To your knowledge, is all of the training at GE for these
12:02:15 13 students?

12:02:15 14 A. I'm sorry?

12:02:16 15 Q. To your knowledge, is all the training done at GE for
12:02:19 16 these students?

12:02:20 17 A. I don't know that.

12:02:23 18 Q. I'd like to go back to the investigation if I might.
12:02:56 19 Forgive me for jumping around.

12:02:58 20 I think you told us that Dr. Zheng was not fired after
12:03:05 21 the investigation was commenced; is that right?

12:03:09 22 A. In July of 2017, no, he was not.

12:03:12 23 Q. Okay. When was he fired, do you know?

12:03:15 24 A. It was sometime in 2018, but I don't recall when.

12:03:20 25 Q. Between 2017 and 2018, was Dr. Zheng working at GE?

12:03:29 1 A. He was suspended without pay.

12:03:32 2 Q. Do you know what he's doing right now?

12:03:46 3 A. Generally, I do, yes.

12:03:49 4 Q. What is he doing?

12:03:51 5 A. He's an engineer.

12:04:00 6 Q. When was the first time you met Dr. Zheng?

12:04:06 7 A. November the 1st, 2017.

12:04:09 8 Q. Let's talk about November the 1st, 2017.

12:04:15 9 First, I'd like to talk about a series of meetings that

12:04:19 10 you attended on October 25th, 26th, and 27th, okay?

12:04:24 11 A. Okay.

12:04:24 12 Q. All right. On October 26th, you attended a meeting. Do

12:04:33 13 you recall that?

12:04:33 14 A. That specific meeting, I don't.

12:04:37 15 Q. You don't recall it at all?

12:04:39 16 A. Well, I recall meetings in that time frame. I don't

12:04:42 17 recall the specifics of the October 26th meeting.

12:04:47 18 Q. All right.

12:04:48 19 MR. McBRIDE: May I approach the witness, Your

12:04:50 20 Honor?

12:04:50 21 THE COURT: For what purpose?

12:04:52 22 MR. McBRIDE: I want to show him one of his

12:04:54 23 documents to refresh his recollection.

12:04:55 24 THE COURT: If it's to refresh his recollection,

12:04:58 25 have you exhausted his recollection?

12:05:01 1 BY MR. McBRIDE:

12:05:03 2 Q. Well, so you don't remember anything about that meeting,
12:05:06 3 Agent?

12:05:07 4 THE COURT: You are talking about that meeting that
12:05:10 5 he doesn't recall, you want to refresh his recollection, you
12:05:13 6 may show him a document.

12:05:15 7 MR. McBRIDE: Thank you, Your Honor.

12:05:16 8 THE COURT: And when the time comes, I'm getting
12:05:17 9 more hungry.

12:05:18 10 MR. McBRIDE: I'm sorry, Your Honor?

12:05:20 11 THE COURT: And when the time comes, I'm getting
12:05:23 12 more hungry. You can complete this if you'd like.

12:05:26 13 MR. McBRIDE: Your Honor, if you'd like to break
12:05:28 14 now, this might be a logical place.

12:05:28 15 THE COURT: We're going to break. It's a little
12:05:31 16 after noon. We are going to take a lunch break. During the
12:05:34 17 lunch break, take a break. Eat well. No discussion of the
12:05:37 18 case among yourselves or with anyone else. No independent
12:05:40 19 research. Continue to keep an open mind. We are going to
12:05:45 20 break for -- we'll come get you at 1:30. Give you a good
12:05:53 21 break.

12:05:53 22 Out of respect for you, we will rise as you leave.

12:05:58 23 THE COURTROOM DEPUTY: All rise for the jury.

12:05:59 24 (Jury out at 12:06 p.m.)

12:06:31 25 THE COURT: The jury's left. We're going to go into

12:06:43 1 recess until 1:30 for the lunch break. Anything before we
12:06:46 2 recess from either side?

12:06:48 3 MR. MANGAN: No, Your Honor.

12:06:49 4 MR. McBRIDE: No, Your Honor.

12:06:50 5 THE COURT: We are in recess until 1:30.

12:06:52 6 THE COURTROOM DEPUTY: This court is in recess until
12:06:54 7 1:30.

12:06:55 8 (Lunch recess from 12:06 p.m. until 1:29 p.m.)

01:29:16 9 THE COURT: We're back in the courtroom. Are we
01:29:20 10 ready for the jury from the defendant's perspective?

01:29:24 11 MR. McBRIDE: Yes, Your Honor.

01:29:24 12 THE COURT: The government?

01:29:25 13 MR. MANGAN: Yes, Your Honor.

01:29:26 14 THE COURT: Let's call for the jury.

01:30:22 15 THE COURTROOM DEPUTY: All rise for the jury.

01:30:25 16 (Jury present at 1:30 p.m.)

01:30:52 17 THE COURT: You may all be seated.

01:30:57 18 The 15 jurors have rejoined us after a lunch break. Good
01:31:02 19 afternoon. Welcome back.

01:31:04 20 We will continue to hear testimony.

01:31:06 21 The witness remains under oath.

01:31:09 22 Mr. McBride, you may proceed.

01:31:21 23 MR. McBRIDE: Thank you, Your Honor.

01:31:23 24 THE COURT: Very well.

01:31:24 25 BY MR. McBRIDE:

01:31:25 1 Q. Agent Hull, we were talking about several meetings that
01:31:28 2 took place in October 25th, 26th, and 27th of 2017, remember?

01:31:40 3 All right. I'd like to ask you, you do remember
01:31:43 4 generally, though, that those meetings took place, correct?

01:31:46 5 A. In general, yes.

01:31:47 6 Q. All right. I'm going to try to be a little more artful
01:31:50 7 about this. I am going to ask you some specific questions
01:31:53 8 about those meetings. If you don't recall, please let me
01:31:58 9 know. I hope that your 302 would refresh your recollection.
01:32:02 10 Okay?

01:32:03 11 So the -- do you recall that the October 25th meeting
01:32:07 12 took place at the GE Aviation Response Center?

01:32:11 13 A. That's when it occurs, sure, likely.

01:32:16 14 Q. Do you know what the GE Aviation Response Center is?

01:32:19 15 A. Yes.

01:32:19 16 Q. What is it?

01:32:22 17 A. It's their emergency command post.

01:32:25 18 Q. So the purpose of the meeting was to evaluate the slides
01:32:32 19 that Dr. Zheng took to China, correct?

01:32:35 20 A. We had meetings about that. If that's the date, that's
01:32:39 21 the date.

01:32:40 22 Q. Okay. Would it be helpful for you to take a look at your
01:32:44 23 302?

01:32:45 24 A. I wouldn't mind it.

01:32:48 25 MR. McBRIDE: Your Honor, may I show Agent Hull his

01:32:50 1 302?

01:32:52 2 THE COURT: To refresh his recollection?

01:32:55 3 MR. McBRIDE: Yes, Your Honor.

01:32:57 4 THE COURT: Yes.

01:33:23 5 BY MR. McBRIDE:

01:33:23 6 Q. Sir, please look up when you're done reviewing it.

01:33:23 7 (Pause.)

01:33:38 8 MR. McBRIDE: May I retrieve that from the witness?

01:33:42 9 THE COURT: Yes.

01:33:54 10 BY MR. McBRIDE:

01:33:56 11 Q. Agent Hull, did reviewing your 302 refresh your

01:33:59 12 recollection about those meetings?

01:34:00 13 A. It does, although I note I didn't draft that particular

01:34:05 14 302.

01:34:07 15 Q. But you signed off on it, did you not?

01:34:09 16 A. I did.

01:34:10 17 Q. So, again, the purpose of these particular meetings in

01:34:20 18 October were about evaluating Dr. Zheng's presentation to

01:34:27 19 NUAA, correct?

01:34:28 20 A. Yes.

01:34:28 21 Q. And the purpose of the evaluation was to see whether or

01:34:33 22 not it released any GE trade secrets, correct?

01:34:35 23 A. Yes.

01:34:35 24 Q. And a number of GE people assisted you, correct?

01:34:38 25 A. Yes.

01:34:39 1 Q. All right. In that first meeting, I won't go through the
01:34:44 2 names, but there were more GE people than FBI or government
01:34:49 3 people there, correct?

01:34:50 4 A. Yes.

01:34:50 5 Q. And Mr. Mangan and Ms. Gladfelter were present at those
01:34:55 6 meetings, correct?

01:34:55 7 A. They were.

01:34:58 8 Q. All right. The first meeting concluded that there was
01:35:02 9 trade secrets in the documents; is that correct?

01:35:07 10 A. That's my recollection.

01:35:09 11 Q. Okay. Let's move on to the October 26th meeting.

01:35:14 12 So I'm curious, why did another meeting take place based
01:35:19 13 on GE's determination on the 25th?

01:35:22 14 A. I think we ran out of time on the day.

01:35:25 15 Q. I see. So the October 26th meeting was a continuance of
01:35:30 16 the October 25th meeting?

01:35:31 17 A. That's my general recollection.

01:35:33 18 Q. Okay. That's fair. And so at that meeting did it also
01:35:36 19 take place at the GE Aviation Response Center?

01:35:40 20 A. It did.

01:35:41 21 Q. Okay. And it had the same purpose: to continue to
01:35:46 22 evaluate Dr. Zheng's presentation, correct?

01:35:48 23 A. Yes.

01:35:49 24 Q. All right. And we had a number of GE people present,
01:35:54 25 correct?

01:35:54 1 A. Yes.

01:35:54 2 Q. Ms. Gladfelter, correct?

01:35:58 3 A. Yes.

01:35:58 4 Q. And yourself and Agent Reigle?

01:36:00 5 A. Yes.

01:36:00 6 Q. And Special Agent -- Supervisory Special Agent Murphy,

01:36:05 7 correct?

01:36:05 8 A. Yes.

01:36:06 9 Q. Was he your boss at that time?

01:36:07 10 A. He was.

01:36:08 11 Q. All right. Very good. The result of that second meeting

01:36:18 12 was that there were no trade secrets found on the slides,

01:36:23 13 correct?

01:36:24 14 A. There was a debate.

01:36:25 15 Q. Pardon me?

01:36:26 16 A. There was a debate within the company about that.

01:36:27 17 Q. There was a debate. So it was uncertain among the

01:36:30 18 experts at GE whether or not there were any trade secrets,

01:36:36 19 correct?

01:36:36 20 A. That was the contention.

01:36:37 21 Q. So you also submitted an affidavit in support of a search

01:36:40 22 warrant for Dr. Zheng's house and some other items on that

01:36:43 23 same day, did you not?

01:36:44 24 A. I probably did, yes.

01:36:46 25 Q. All right. In that search warrant, do you remember

01:36:52 1 addressing whether or not Dr. Zheng had released trade
01:36:58 2 secrets?

01:36:58 3 A. I don't recollect specifically, but it was in the --
01:37:01 4 there was information within the affidavit about that.

01:37:04 5 Q. All right, then on the October 27th meeting, the next
01:37:08 6 day, it also took place at the GE Aviation Response Center,
01:37:12 7 correct?

01:37:12 8 A. Yes.

01:37:13 9 Q. And, again, you were seeking the advice of the GE
01:37:16 10 experts, correct?

01:37:17 11 A. Yes.

01:37:17 12 Q. All right. And the purpose of seeking that advice was to
01:37:21 13 determine whether or not Dr. Zheng released any trade secret
01:37:28 14 information, correct?

01:37:29 15 A. Whether the material he had taken with him to China
01:37:33 16 contained trade secret material or not.

01:37:35 17 Q. I'm sorry. I couldn't hear you, sir.

01:37:36 18 A. To determine whether or not the information he took to
01:37:39 19 China contained trade secret, not whether he released it or
01:37:42 20 not.

01:37:42 21 Q. Very good. I appreciate that clarification.

01:37:45 22 And the conclusion of that meeting was that there were no
01:37:50 23 trade secrets taken to China and presented in that slide show
01:37:54 24 by Dr. Zheng, correct?

01:37:57 25 A. My recollection was that the slides were of less

01:38:01 1 concern than the original documents.

01:38:04 2 Q. Than the what documentation?

01:38:05 3 A. The original documentation that he took.

01:38:07 4 Q. But that original documentation was never shown to the
01:38:11 5 students at NUAA, was it?

01:38:13 6 A. Not to the best of my knowledge.

01:38:14 7 Q. Okay. Did you ever go back and clarify with the
01:38:21 8 magistrate judge that the consensus of GE was that no trade
01:38:28 9 secrets were ever revealed? By Dr. Zheng?

01:38:31 10 A. With that particular affidavit, I did not.

01:38:34 11 Q. Okay. So it seems to me that the next major step in your
01:38:43 12 investigation was executing the search warrants and
01:38:47 13 interviewing Dr. Zheng; is that correct?

01:38:49 14 A. Yes.

01:38:49 15 Q. So at this point did you focus on Dr. Zheng as a possible
01:38:57 16 insider threat to GE?

01:38:59 17 A. I wouldn't say "focus," but, yes, that was one of the
01:39:03 18 pieces we were looking at, yes.

01:39:05 19 Q. That's something you wanted to ferret out in your
01:39:09 20 investigation, correct?

01:39:10 21 A. Yes.

01:39:11 22 Q. Okay. So you obtained lawful search warrants for
01:39:19 23 Mr. Zheng's house, correct?

01:39:20 24 A. Yes.

01:39:21 25 Q. And his phone, correct?

01:39:22 1 A. Yes.

01:39:22 2 Q. And his car, correct?

01:39:24 3 A. Yes.

01:39:25 4 Q. Is that it?

01:39:26 5 A. For November 1st, that sounds like about all.

01:39:31 6 Q. Was it also -- also his computers in the house, correct?

01:39:35 7 A. Yes.

01:39:36 8 Q. Very good. And you also interviewed Dr. Zheng at GE,

01:39:42 9 correct?

01:39:42 10 A. I did.

01:39:43 11 Q. So explain the sequence of the execution of the search

01:39:48 12 warrants and your interview of Dr. Zheng.

01:39:51 13 A. It was early afternoon, was my recollection. GE

01:39:56 14 requested to speak with him first so they could go through

01:39:59 15 their corporate inquiry. And once the FBI interview began,

01:40:05 16 we began executing the search warrants at the home.

01:40:07 17 Q. And did you simultaneously interview Dr. Zheng?

01:40:12 18 A. Yes.

01:40:13 19 Q. So -- and you and Special Agent Reigle interviewed

01:40:18 20 Dr. Zheng, correct?

01:40:18 21 A. We did.

01:40:19 22 Q. All right. You just mentioned that GE wanted to talk to

01:40:22 23 Dr. Zheng first. Were you present when GE spoke to them?

01:40:26 24 A. No.

01:40:27 25 Q. Do you know what GE spoke to Dr. Zheng about?

01:40:30 1 A. After the fact.

01:40:31 2 Q. What did they speak to Dr. Zheng about?

01:40:34 3 A. What he had done with any information he may have

01:40:37 4 collected in violation of company policy.

01:40:40 5 Q. So they were asking a question of whether he violated

01:40:44 6 company policy by releasing this information?

01:40:46 7 A. Yes.

01:40:46 8 Q. All right. But you didn't participate in those

01:40:49 9 questionings at that time?

01:40:49 10 A. I did not.

01:40:50 11 Q. All right. So what time did your interview of Dr. Zheng

01:40:57 12 start?

01:40:57 13 A. It was early afternoon. Post lunch.

01:41:04 14 Q. When did it end?

01:41:05 15 A. Early evening.

01:41:07 16 Q. The interview was recorded, was it not?

01:41:10 17 A. It was.

01:41:10 18 Q. Did Dr. Zheng know it was being recorded?

01:41:13 19 A. He did not.

01:41:14 20 Q. In fact, it was in -- the mic was in Agent Reigle's

01:41:18 21 jacket, wasn't it?

01:41:19 22 A. In his shirt pocket.

01:41:21 23 Q. Shirt pocket. Why didn't you tell Dr. Zheng you were

01:41:24 24 recording him?

01:41:27 25 A. We are not obligated to tell him.

01:41:31 1 Q. I understand that, but why didn't you?

01:41:31 2 A. Not part of our policy.

01:41:33 3 Q. So I noticed in the transcript that you told Dr. Zheng he

01:41:46 4 was free to leave after the interview; is that right?

01:41:51 5 A. It is.

01:41:52 6 Q. Because, of course, this wasn't a custodial

01:41:58 7 interrogation, was it?

01:41:59 8 A. No, it wasn't. It was a non-custodial interview.

01:42:02 9 Q. And so as a result of that you didn't have to read him

01:42:05 10 his *Miranda* rights, did you?

01:42:08 11 A. No.

01:42:08 12 Q. All right. I'd like to ask you about the practical

01:42:11 13 reality of that. At the time Dr. Zheng was undergoing a seven

01:42:19 14 and a -- seven hour, fifteen minutes interview with you and

01:42:22 15 Agent Reigle?

01:42:22 16 A. Ballpark, sure.

01:42:25 17 Q. And during the interview, you took his car out of the lot

01:42:31 18 to be searched, right?

01:42:33 19 A. He did not know that for the majority of the interview.

01:42:36 20 Q. No, but you took it out. He couldn't access his car if

01:42:40 21 he got up and left, could he.

01:42:42 22 A. We seized it pursuant to legal process.

01:42:44 23 Q. I'm not arguing that. What I am saying to you is, if

01:42:48 24 Dr. Zheng said to you early in the conversation, "You know

01:42:50 25 what? I'm going to leave," he didn't have a car in the

01:42:53 1 parking lot, did he?

01:42:54 2 A. He did not, but he could still leave.

01:42:58 3 Q. And he didn't have access to his phone, did he?

01:43:01 4 A. He did not.

01:43:02 5 Q. In fact, you asked -- he asked to call his wife, did he
01:43:07 6 not?

01:43:07 7 A. He did.

01:43:08 8 Q. And you required him to call his wife on, I believe,
01:43:13 9 agent's -- Agent Reigle's cell phone, right?

01:43:16 10 A. One of the phones we had in the room, yes.

01:43:18 11 Q. One of the phones you had in the room. And you required
01:43:20 12 that he have it on speaker when he spoke to his wife, correct?

01:43:24 13 A. I asked that he did, yes.

01:43:26 14 Q. And you required that he speak in English, correct?

01:43:31 15 A. I asked that he did, yes.

01:43:32 16 Q. And, of course, he did, correct?

01:43:34 17 A. He did.

01:43:35 18 Q. All right. And while that interview was going on, the
01:43:40 19 FBI was searching his home, correct?

01:43:43 20 A. Yes.

01:43:43 21 Q. What items did you seize from his house?

01:43:47 22 A. I don't remember the entire inventory. It was mostly
01:43:50 23 electronic media, the business card that we referenced
01:43:54 24 repeatedly.

01:43:56 25 Q. Bear with me a moment, sir. All right.

01:44:04 1 You also wouldn't allow Dr. Zheng to leave your sight,
01:44:10 2 would you, during the interview?

01:44:12 3 A. I don't know what you mean by that. We were in the
01:44:18 4 room together.

01:44:18 5 Q. Well, at some point Mr. Zheng wanted to go to the
01:44:22 6 bathroom, didn't he?

01:44:24 7 A. Oh, yeah, he went to the bathroom.

01:44:26 8 Q. And Agent Reigle followed him into the bathroom, didn't
01:44:30 9 he?

01:44:30 10 A. I believe Agent Reigle also used the bathroom.

01:44:33 11 Q. So the answer is "yes."

01:44:35 12 THE COURT: Is that a question?

01:44:38 13 MR. McBRIDE: I'm sorry.

01:44:39 14 BY MR. McBRIDE:

01:44:39 15 Q. So your answer is "yes"?

01:44:40 16 A. Agent Reigle used the bathroom as well.

01:44:43 17 Q. And Agent Reigle had the recorder going while both
01:44:47 18 gentlemen were in the restroom, correct?

01:44:48 19 A. That could be, yes.

01:44:50 20 Q. Well, you've listened to the recording, have you not?

01:44:55 21 A. Actually, I never have. I've only read the transcript.

01:44:59 22 Q. And Dr. Zheng insisted in the beginning that he did not
01:45:08 23 release any trade secrets, didn't he?

01:45:10 24 A. He made statements to that effect.

01:45:12 25 Q. And then by the end, you had convinced him that he had

01:45:17 1 released trade secrets, did you not?

01:45:19 2 A. That was a statement that he had made.

01:45:21 3 Q. Say again?

01:45:22 4 A. That's a statement he had made.

01:45:26 5 Q. After -- at the end of the seven-hour interrogation,
01:45:29 6 correct?

01:45:29 7 A. It was an interview.

01:45:30 8 Q. Pardon me. Interview. After the end of the seven-hour
01:45:33 9 interview?

01:45:34 10 A. Yes.

01:45:35 11 Q. But you knew at that point that the slide presentation
01:45:42 12 did not release any trade secrets from GE, did you not?

01:45:47 13 A. Again, we also dove into the details of the documents
01:45:50 14 he took with him, and that was still up for debate.

01:45:55 15 Q. Right. But you got him to admit in your interview that
01:46:02 16 he had released trade secrets, didn't you?

01:46:04 17 A. He thought he had.

01:46:05 18 Q. And you led him to that point, did you not?

01:46:07 19 A. All the information pointed to that from the material
01:46:10 20 that he took.

01:46:10 21 Q. Except for the fact that you knew by talking to the GE
01:46:15 22 folks on October 27th that he had not released trade secrets,
01:46:20 23 did you not?

01:46:20 24 A. Again, we were not investigating the release
01:46:22 25 exclusively. We were trying to determine if the

01:46:26 1 documentation he took to make the slides in the PowerPoint
01:46:29 2 was or was not.

01:46:29 3 Q. Then what was the point of interviewing about the slides?

01:46:32 4 A. Because that's the bit that we knew had likely been
01:46:34 5 released. We were trying to determine if anything else had
01:46:38 6 also been released.

01:46:39 7 Q. But you already knew that there were no trade secrets in
01:46:42 8 the materials he had released; yes?

01:46:46 9 A. Again, still under discussion with GE, but, yes.

01:46:49 10 Q. GE came back and told you there was no trade secrets
01:46:57 11 released in those power slides, did they not?

01:47:00 12 A. Different engineers gave different opinions, so it
01:47:04 13 varied.

01:47:05 14 Q. Well, you haven't charged him with releasing trade
01:47:10 15 secrets, have you?

01:47:10 16 A. The FBI doesn't charge people. The Department of
01:47:14 17 Justice does.

01:47:14 18 Q. He is on trial for conspiracy here, correct?

01:47:17 19 A. Who is?

01:47:19 20 Q. Mr. Xu is on trial for conspiracy to steal trade secrets,
01:47:25 21 correct?

01:47:26 22 A. He is.

01:47:26 23 Q. Because Mr. Xu -- Mr. Zheng never released any trade
01:47:33 24 secrets, correct?

01:47:33 25 A. I'm uncertain.

01:47:36 1 Q. That's fair.

01:47:44 2 All right. I'm going to switch topics a little bit with
01:47:48 3 some of the investigation.

01:47:54 4 MR. McBRIDE: Your Honor, may I publish to the jury
01:47:57 5 Government's Exhibit 60b? I believe it's been admitted.

01:48:00 6 THE COURT: You may publish it.

01:48:03 7 MR. McBRIDE: Paul, can we put up that exhibit?
01:48:05 8 Please show the first page.

01:48:17 9 BY MR. McBRIDE:

01:48:17 10 Q. Do you have the exhibit in front of you, sir?

01:48:19 11 A. I do.

01:48:19 12 Q. Do the exhibits show up on your screen there?

01:48:22 13 A. It does.

01:48:23 14 Q. Is that Government Exhibit 60b?

01:48:27 15 A. It is, yes.

01:48:32 16 MR. McBRIDE: Can we see page 7, sir.

01:48:32 17 BY MR. McBRIDE:

01:48:52 18 Q. So I believe you testified earlier that you believed --
01:48:56 19 strike that. How did Chen Meng find Dr. Zheng?

01:49:04 20 A. On LinkedIn.

01:49:07 21 Q. LinkedIn is a legal platform, isn't it? There is nothing
01:49:13 22 illegal about it, correct?

01:49:14 23 A. No.

01:49:14 24 Q. What's its purpose?

01:49:15 25 A. It's to connect people in the business world.

01:49:17 1 Q. And many people have LinkedIn addresses or LinkedIn
01:49:22 2 profiles, do they not?

01:49:25 3 A. I imagine they do.

01:49:25 4 Q. And on it they list their professional credentials, do
01:49:27 5 they not?

01:49:28 6 A. Some do.

01:49:29 7 Q. Many do, correct?

01:49:30 8 A. Yes.

01:49:31 9 Q. Because it is, of course, as you just said, for
01:49:35 10 professionals to meet each other or to link up, correct?

01:49:39 11 A. Yes.

01:49:40 12 Q. So Chen Feng found Dr. Zheng on Linked-In and then opened
01:49:54 13 a communication with him, correct?

01:49:56 14 A. The individual utilizing the jeremy@nuaa.edu.cn, I
01:50:01 15 believe did, which I do not believe was Chen Feng.

01:50:05 16 Q. So you don't know who sent the email, this
01:50:09 17 jeremynuaa@edu.cn email, correct?

01:50:15 18 A. I do not.

01:50:16 19 Q. In fact, you don't know who sent it, do you?

01:50:19 20 A. I do not.

01:50:20 21 Q. Of course, you weren't there with -- with whoever sent
01:50:24 22 this at the time it was sent, were you?

01:50:26 23 A. No.

01:50:26 24 Q. Because they are in China presumably, correct?

01:50:30 25 A. Yes.

01:50:31 1 Q. All right. Would you -- so this email or -- this email
01:50:39 2 seems to be about an itinerary that has been finalized; is
01:50:45 3 that fair?

01:50:45 4 A. It is.

01:50:46 5 Q. Will you go back and will you read the middle paragraph,
01:50:50 6 please?

01:50:51 7 A. "I will go back to my alma mater in Harbin first, then
01:50:56 8 I will go back to my own hometown in Anhui. I can come to
01:51:00 9 NUAA to do an exchange on June 1st or 2nd. I am wondering
01:51:03 10 about your schedule and arrangements for these two days."

01:51:07 11 Q. The reference to "my alma mater Harbin" -- "my alma mater
01:51:14 12 Harbin," do you know what that is?

01:51:15 13 A. Yes. That's a university in Harbin. It's in northeast
01:51:19 14 China.

01:51:19 15 Q. Do you know what kind of university it is?

01:51:21 16 A. It's an engineering one, to the best of my
01:51:23 17 recollection.

01:51:23 18 Q. So you heard Dr. Mulvenon testify about the Seven Sons?

01:51:29 19 A. Yes.

01:51:29 20 Q. What was your understanding of the Seven Sons?

01:51:30 21 A. It's major universities that are responsible for the R
01:51:34 22 and D or the teaching of the field of R and D for PRC.

01:51:38 23 Q. Do you know that Harbin University is one of the Seven
01:51:38 24 Sons?

01:51:41 25 A. I do.

01:51:41 1 Q. So General Electric hired an engineer from one of the
01:51:57 2 Seven Sons university to be an engineer on an important
01:52:00 3 project; is that right?

01:52:02 4 A. I imagine they hire people from lots of universities.

01:52:08 5 MR. McBRIDE: Could we remove that one, Paul. And
01:52:13 6 could we go to 60 Bravo, page 18.

01:52:27 7 BY MR. McBRIDE:

01:52:42 8 Q. Would you -- this is from whoever is representing himself
01:52:46 9 to be Chen Feng, is it not?

01:52:48 10 A. It is.

01:52:49 11 Q. All right. And earlier there was an email or a WeChat
01:52:56 12 from Dr. Zheng to whoever is Chen Feng saying I have to follow
01:53:09 13 company policy, or words of that effect, correct?

01:53:09 14 A. I don't think that date is accurate. I don't think
01:53:13 15 they are using LinkedIn on May the 18th. I think that
01:53:16 16 happened later.

01:53:18 17 Q. Okay. All right. Will you read after "How are you,"
01:53:25 18 that first paragraph.

01:53:26 19 A. "Regarding the content of the exchange, we fully
01:53:30 20 respect your opinions, and will only discuss general topics
01:53:33 21 in the area of engine materials that will not violate your
01:53:37 22 company's technical agreement requirements."

01:53:40 23 Q. Thank you.

01:53:52 24 I think you testified earlier -- correct me if I'm
01:53:55 25 wrong -- that when Dr. Zheng went and spoke at NUAA, his

01:53:59 1 travel and lodging was paid for by NUAA or someone, correct?

01:54:04 2 A. Yes.

01:54:04 3 Q. Is that unusual?

01:54:07 4 A. It's a little unusual.

01:54:09 5 Q. It's unusual, in your opinion, for somebody to travel to

01:54:13 6 give a lecture and not get travel expenses?

01:54:16 7 A. I was in academia for ten years and no one ever paid to

01:54:22 8 have me come speak.

01:54:23 9 Q. How many academic speeches did you give?

01:54:26 10 A. Probably a dozen.

01:54:28 11 Q. You also found that after that trip Dr. Zheng came home

01:54:34 12 with about \$20,000, didn't he?

01:54:36 13 A. 16,100.

01:54:39 14 Q. Thank you. Where did that money come from?

01:54:42 15 A. I don't know.

01:54:43 16 Q. It didn't come from NUAA, did it?

01:54:48 17 A. A portion of it did.

01:54:49 18 Q. Well, the portion that was his travel and lodging,

01:54:53 19 correct?

01:54:54 20 A. Plus a honorarium, or a gift.

01:54:56 21 Q. And Dr. Zheng cleared that money when he came through the

01:55:01 22 United States customs, didn't he?

01:55:02 23 A. It was found during a secondary inspection.

01:55:05 24 Q. He declared the money, didn't he?

01:55:07 25 A. It was found during a secondary inspection.

01:55:09 1 Q. So did he declare it or not at the -- in the airport?

01:55:12 2 A. I don't recall.

01:55:13 3 Q. You don't know. Okay. Would you be surprised if he did?

01:55:17 4 A. I would not.

01:55:19 5 Q. Would you be surprised if that money came from an account

01:55:25 6 he has back in China?

01:55:27 7 A. That is not what he told me.

01:55:29 8 Q. What did he tell you?

01:55:30 9 A. That roughly \$3,500 of it was material provided by the

01:55:36 10 defendant, and the rest was a loan payback from a family

01:55:41 11 member.

01:55:41 12 Q. I'm sorry. I didn't catch that.

01:55:44 13 A. It was a loan payback from a family member.

01:55:49 14 Q. It was a loan payback from a family member. And you have

01:55:51 15 no reason to dispute that, do you?

01:55:53 16 A. No.

01:55:53 17 Q. So at some point in your investigation, you stopped

01:56:00 18 focusing on Dr. Cheng as a target, correct?

01:56:04 19 A. Do you mean Dr. Zheng?

01:56:06 20 Q. Dr. Zheng.

01:56:08 21 A. We conducted an operational pivot.

01:56:12 22 Q. Which means he was no longer a target, correct?

01:56:14 23 A. He was cooperating.

01:56:18 24 Q. Right. He went from a target to a cooperator, correct?

01:56:21 25 A. He did.

01:56:22 1 Q. And what is a cooperator?

01:56:29 2 A. Someone who assists the FBI with investigations.

01:56:33 3 Q. All right. And so Dr. Chang now became somebody to
01:56:38 4 assist you in your investigation further, correct?

01:56:42 5 A. Yes.

01:56:43 6 Q. All right. And you were furthering that investigation
01:56:46 7 because you didn't have a case against Dr. Zheng anymore,
01:56:50 8 didn't you?

01:56:50 9 A. I don't make a determination on prosecution.

01:56:54 10 Q. I wasn't asking that question.

01:56:57 11 FBI agents conduct their investigations and then make a
01:57:01 12 recommendation to the prosecution. Your investigation with
01:57:04 13 Dr. Cheng had gone about as far as they could, didn't they?

01:57:07 14 A. Again, his name is Zheng. And it could have gone into
01:57:13 15 another path, but we picked this path.

01:57:16 16 Q. So you left the path of Dr. Zheng being a target,
01:57:21 17 correct?

01:57:21 18 A. We conducted an operational pivot.

01:57:26 19 Q. And then he became a cooperator, correct?

01:57:30 20 A. Yes.

01:57:30 21 Q. How much time passed between Dr. Zheng returning from
01:57:43 22 China to the first reach-out as a cooperating -- as a
01:57:50 23 cooperator to Chen Feng?

01:57:54 24 A. The last contact I recall via WeChat was May.

01:58:00 25 Recontact was established in November. Excuse me -- June.

01:58:05 1 June of '17 and November of '17.

01:58:16 2 **Q.** And you through Dr. Zheng initiated that contact, didn't
01:58:21 3 you?

01:58:21 4 **A.** I did.

01:58:23 5 MR. McBRIDE: Your Honor, may we publish to the jury
01:58:25 6 and the witness Government Exhibit 67c, which I believe has
01:58:30 7 been admitted into evidence.

01:58:31 8 THE COURT: Any objection?

01:58:33 9 MR. MANGAN: No, Your Honor.

01:58:34 10 THE COURT: Yes.

01:58:44 11 MR. McBRIDE: Paul, could we see 67c?

01:58:48 12 Could we focus on the very top of page 1.

01:58:50 13 BY MR. McBRIDE:

01:58:51 14 **Q.** Agent, do you see that?

01:58:52 15 **A.** I do.

01:58:53 16 **Q.** WeChat? Very top line I am going to ask you about.

01:58:56 17 Is that your first reach-out to Chen Feng?

01:59:01 18 **A.** Yes.

01:59:02 19 **Q.** And that's dated November 21, 2017, correct?

01:59:08 20 **A.** It is.

01:59:09 21 **Q.** All right. Thank you.

01:59:16 22 MR. McBRIDE: Could we see page 3, Paul.

01:59:19 23 BY MR. McBRIDE:

01:59:19 24 **Q.** And Chen Feng responded to this, did he not?

01:59:25 25 **A.** He did.

01:59:27 1 Q. At the top of page 3, would you read the first green box?

01:59:35 2 A. "Hi, Teacher Chen. I am thinking about going back
01:59:39 3 during early February, probably a week before New Year. But
01:59:43 4 I know the plane tickets are relatively expensive during
01:59:46 5 that time, so I haven't pulled the trigger."

01:59:49 6 Q. So is this your second reach-out to Chen Feng?

01:59:52 7 A. It's the second message we sent after he responded.

02:00:05 8 Q. That's fair. Thank you.

02:00:07 9 MR. McBRIDE: Could we move down a page, Paul.

02:00:24 10 BY MR. McBRIDE:

02:00:24 11 Q. All right. Would you read that white box?

02:00:28 12 A. "Hello, Teacher. The school is on break during the end
02:00:31 13 of the year, and it is rather difficult to process the
02:00:34 14 financial matters. I discussed this with Mr. Qu from the
02:00:38 15 Province Science and Technology Association several days
02:00:41 16 ago. They will be in charge to work on your China traveling
02:00:44 17 expenses."

02:00:45 18 Q. So Chen Feng suggested Mr. Qu; is that correct?

02:00:57 19 A. He did.

02:00:57 20 Q. You had no reason not to believe the school was on break
02:01:02 21 during that time, do you?

02:01:03 22 A. No. It was Chinese New Year. I anticipated it would
02:01:07 23 be.

02:01:07 24 Q. So it's logical that NUAA may not want Dr. Zheng to come
02:01:11 25 and lecture, is it not?

02:01:13 1 A. It is.

02:01:14 2 Q. All right. And it's also logical that they might hand

02:01:18 3 off Dr. Zheng's request to lecture to somebody else, correct?

02:01:25 4 A. It is.

02:01:26 5 Q. And Dr. Zheng had met Qu Hui at that -- earlier when he

02:01:36 6 lectured, correct?

02:01:37 7 A. You mean your client? Yes.

02:01:39 8 Q. Well, Qu Hui, whoever that is, correct?

02:01:42 9 A. Yes.

02:01:45 10 Q. And then because Qu Hui represented himself as working

02:01:51 11 for JAST, correct?

02:01:52 12 A. Yes.

02:01:53 13 Q. And would you tell us again what JAST is?

02:01:55 14 A. Jiangsu Association For Science and Technology.

02:02:00 15 Q. And do you know what they do?

02:02:00 16 A. Generally, yes.

02:02:01 17 Q. What do they do generally?

02:02:03 18 A. It's an arm of the Chinese Academy of Science and

02:02:08 19 Technology, and they do outreach to try to build

02:02:12 20 relationships within businesses.

02:02:13 21 Q. Have you researched at all NUAA?

02:02:21 22 A. A little bit.

02:02:23 23 Q. I just want to ask you some questions about it, if I

02:02:28 24 might.

02:02:31 25 Would you agree with me that it's one of Chinese --

02:02:36 1 pardon me. Wrong one. I don't want to go to JAST. I was
02:02:39 2 asking about NUAA, and I don't want to go there yet.

02:02:43 3 All right. In your research, did you find that JAST was
02:02:49 4 founded in 1959?

02:02:50 5 A. I did not.

02:02:53 6 Q. Did you find that it consists of 13 province-governed
02:02:59 7 associations for science and technology? Did you find that?

02:03:02 8 A. I did not.

02:03:03 9 Q. Did you find that it has 209,000 members?

02:03:08 10 A. Not that specific number, no.

02:03:10 11 Q. But you knew it had a lot of members, right?

02:03:12 12 A. It did.

02:03:13 13 Q. All right. You told us that it was about academic
02:03:18 14 exchanges, correct?

02:03:19 15 A. Among other things.

02:03:22 16 Q. All right. Did you find out what its objectives were?

02:03:26 17 A. Only what they have online.

02:03:29 18 Q. Online?

02:03:30 19 A. Um-hmm.

02:03:31 20 Q. Okay. And they have online "to promote academic
02:03:37 21 exchanges," correct?

02:03:38 22 A. Again, amongst other things, yes.

02:03:40 23 Q. "Sponsor seminars," correct?

02:03:43 24 A. Yes.

02:03:43 25 Q. "Enliven academic ideas," correct?

02:03:44 1 A. Yes.

02:03:44 2 Q. "Develop disciplines," correct?

02:03:47 3 A. Yes.

02:03:47 4 Q. "Upgrade the standard of science and technology,"

02:03:50 5 correct?

02:03:50 6 A. Yes.

02:03:50 7 Q. And "accelerate economic development and social

02:03:55 8 progress," correct?

02:03:55 9 A. Yes.

02:03:56 10 Q. All right. Did you also learn that it has a number of

02:04:00 11 joint ventures in America?

02:04:02 12 A. JAST does?

02:04:03 13 Q. Um-hmm.

02:04:04 14 A. I was not aware of that.

02:04:06 15 Q. Well, you are aware that the University of Michigan had

02:04:13 16 an exchange with JAST, did you not?

02:04:15 17 A. I was not.

02:04:17 18 Q. You didn't invest -- you didn't interview a woman named

02:04:26 19 Sun.

02:04:26 20 A. I did do that, yes. She wasn't from JAST.

02:04:28 21 Q. Pardon me?

02:04:29 22 A. She wasn't from JAST. She was from NUAA.

02:04:31 23 Q. Okay. My apologies, but thank you.

02:04:44 24 May I ask, when you were using Dr. Zheng as a cooperator,

02:04:50 25 did you take his phone?

02:04:52 1 A. Did I take his phone?

02:04:55 2 Q. Yes.

02:04:56 3 A. We had already seized his phone pursuant to the search

02:04:59 4 warrant.

02:04:59 5 Q. All right. But you kept the phone?

02:05:00 6 A. We did.

02:05:00 7 Q. And the purpose in keeping the phone was to disguise the

02:05:04 8 fact that Zheng was now a cooperator, correct?

02:05:09 9 A. The purpose of keeping the phone was because it was

02:05:12 10 evidence.

02:05:12 11 Q. Okay. But you used that phone to make your contacts with

02:05:17 12 Chen Feng and Qu Hui -- Qu Hui, correct?

02:05:21 13 A. No, we did not.

02:05:21 14 Q. What phone did you use?

02:05:23 15 A. We used an old FBI phone that we rooted.

02:05:30 16 Q. Why did you do that?

02:05:31 17 A. Because we didn't want to change the evidence that we

02:05:34 18 had seized within the phone itself.

02:05:35 19 Q. So why is it the MSS didn't detect that you were using a

02:05:40 20 different phone?

02:05:41 21 A. Because we side-loaded the app into it.

02:05:45 22 Q. What does that mean?

02:05:46 23 A. We hard-loaded the app into the phone so it looked

02:05:49 24 exactly like the app that had been on Dr. Zheng's phone.

02:05:52 25 Q. And the purpose was to conceal the fact that Dr. Zheng is

02:05:55 1 now working with the FBI, correct?

02:05:56 2 A. Yes.

02:05:57 3 Q. All right. You testified earlier that you essentially
02:06:11 4 authored the messages sent to Qu Hui, correct?

02:06:19 5 A. I did. I gave the direction of the statements, and
02:06:22 6 then they were translated.

02:06:23 7 Q. You gave the direction of the statement to a FBI
02:06:27 8 translator, correct?

02:06:28 9 A. I did.

02:06:28 10 Q. And then you watched as Dr. Zheng typed them into the
02:06:33 11 phone; is that right?

02:06:34 12 A. On some instances, yes.

02:06:36 13 Q. Other instances, who typed them in?

02:06:38 14 A. He did.

02:06:39 15 Q. Okay. So on all instances, Dr. Zheng typed them in?

02:06:42 16 A. Yes.

02:06:43 17 Q. So I'm interested in your initial -- I am going to ask
02:06:46 18 you some questions about your initial drafting of these
02:06:50 19 messages.

02:06:51 20 Did you draft them by yourself?

02:06:53 21 A. I talked to people in my team to do it.

02:06:58 22 Q. So you got input from your team, correct?

02:07:00 23 A. I did.

02:07:01 24 Q. So these weren't just your words, correct?

02:07:03 25 A. No. But the ultimate decision of the words was mine.

02:07:07 1 Q. What kind of input did you get?

02:07:11 2 A. All kinds.

02:07:11 3 Q. Give me an example.

02:07:13 4 A. An analyst would give me an opinion, and I would adjust
02:07:16 5 it. A linguist would tell me something I was asking for was
02:07:21 6 not culturally appropriate, so we would adjust it.

02:07:24 7 Q. Is that how you came to use the word "filial piety"?

02:07:28 8 A. Yes.

02:07:44 9 Q. And so what was the purpose of these messages that you
02:07:48 10 were sending to Qu Hui.

02:07:49 11 A. We tried to identify the individual on the other end.

02:07:53 12 Q. You didn't think at that time it was Mr. Xu?

02:07:58 13 A. We thought it was.

02:07:59 14 Q. But you didn't know?

02:08:00 15 A. We didn't know.

02:08:01 16 Q. All right. Just like you didn't know who was
02:08:05 17 representing themselves as Chen Feng, correct?

02:08:08 18 A. Correct.

02:08:10 19 Q. And, again, because you are not sitting there. It makes
02:08:11 20 perfect sense, does it not?

02:08:12 21 A. It does.

02:08:15 22 THE COURT: At the appropriate time, we need to take
02:08:17 23 a break.

02:08:19 24 MR. McBRIDE: Your Honor, that would be fine, Your
02:08:21 25 Honor.

02:08:21 1 THE COURT: Very well. Ladies and gentlemen, we are
02:08:22 2 going to give you another break, 20 minutes till 1:30 [sic].
02:08:26 3 During the break, take a break. Don't discuss the case among
02:08:29 4 yourselves or with anyone else. No independent research.
02:08:32 5 Continue to keep an open mind.

02:08:33 6 We'll rise out of respect for you as you leave.

02:08:36 7 THE COURTROOM DEPUTY: All rise for the jury.

02:08:38 8 (Jury out at 2:08 p.m.)

02:09:21 9 THE COURT: We're in recess for 20 minutes unless
02:09:24 10 there is anything else?

02:09:26 11 MR. MANGAN: No, Your Honor.

02:09:27 12 THE COURT: See you at 1:30.

02:09:29 13 THE COURTROOM DEPUTY: This court is in recess until
02:09:31 14 1:30.

02:09:32 15 (Recess from 2:09 p.m. until 2:29 p.m.)

02:29:52 16 THE COURT: We're back in the open courtroom. The
02:29:56 17 jury's not here. Are we ready to proceed from the
02:29:59 18 government's perspective?

02:30:01 19 MR. MANGAN: Yes, Your Honor.

02:30:02 20 THE COURT: You ready, Mr. McBride?

02:30:05 21 MR. McBRIDE: Yes, Your Honor.

02:30:06 22 THE COURT: Before we get the jury, I wish to make a
02:30:11 23 statement in the spirit of full disclosure.

02:30:15 24 Mr. McBride, I gave you a lot of latitude in your
02:30:18 25 cross-examination so far. The government has not objected.

02:30:22 1 But I want to be clear that it is irrelevant to the charges in
02:30:26 2 this case whether the information defendant allegedly sought
02:30:32 3 was, A, successfully stolen, B, classified information, or, C,
02:30:40 4 an actual trade secret.

02:30:45 5 Defendant is charged with conspiracy and attempt.
02:30:47 6 Therefore, the fact that no information was stolen, if that's
02:30:50 7 where we are, is irrelevant; and, additionally, the
02:30:54 8 information neither needed to be classified, nor did it have
02:30:58 9 to be an actual trade secret. A finding of guilty for
02:31:03 10 conspiracy or attempt merely requires an agreement to steal or
02:31:11 11 attempt to steal what defendant believes to be a trade secret.

02:31:14 12 I wanted to say that to you outside the presence of the
02:31:17 13 jury, because if we go down that road, that's going to be the
02:31:21 14 instruction to the jury in your presence. Understood?

02:31:26 15 MR. McBRIDE: Yes, sir.

02:31:27 16 THE COURT: Very well. You ready for the jury?

02:31:31 17 MR. McBRIDE: Yes, sir.

02:31:31 18 THE COURT: Let's call for the jury.

02:32:19 19 THE COURTROOM DEPUTY: All rise for the jury.

02:32:22 20 (Jury in at 2:32 p.m.)

02:32:50 21 THE COURT: You may all be seated. Thank you.

02:32:56 22 15 jurors have arrived back from break. We will continue
02:33:01 23 hearing testimony.

02:33:03 24 You may proceed, Mr. McBride.

02:33:05 25 MR. McBRIDE: Thank you, Your Honor.

02:33:06 1 THE COURT: Very well.

02:33:12 2 BY MR. McBRIDE:

02:33:18 3 Q. Agent Hull, we were talking about Dr. Zheng's cooperation
02:33:25 4 with you in your investigation, were we not?

02:33:29 5 A. We were.

02:33:30 6 Q. All right. I'd like to look at some of the -- and I want
02:33:35 7 to look at some of the messages that you drafted and had
02:33:39 8 translated, starting with -- make sure I got the right page
02:33:49 9 here -- 67 Charlie.

02:33:58 10 MR. McBRIDE: Pardon me. Your Honor, may I publish
02:34:01 11 67 Charlie to the jury? It's been admitted.

02:34:04 12 THE COURT: It's been admitted, yes.

02:34:06 13 MR. McBRIDE: Thank you, Your Honor.

02:34:19 14 Paul, could we see page 4, please.

02:34:36 15 BY MR. McBRIDE:

02:34:36 16 Q. Would you look at the green bubble at the bottom of your
02:34:40 17 screen there? What was the purpose of this message, sir?

02:34:53 18 A. The response -- what was the response back to the Chen
02:35:01 19 Feng message from a couple days previously, asking me if
02:35:07 20 either we or he had reached out to Qu Hui.

02:35:12 21 Q. What was the purpose of the last sentence which reads,
02:35:17 22 "Also, for the NUAA trip this time, is there any particular
02:35:21 23 material I need to prepare?"

02:35:27 24 A. It was simply a question.

02:35:29 25 Q. What was the purpose of that sentence, sir?

02:35:30 1 A. To see if NUAA wanted a follow-up presentation.

02:35:36 2 Q. Were you looking for a specific suggestion from NUAA as
02:35:40 3 to what they wanted?

02:35:41 4 A. Yes.

02:35:42 5 Q. Okay. Thank you.

02:35:51 6 MR. McBRIDE: Paul, if we'd go to 67 Charlie, page
02:35:56 7 9. If we can focus on the top half, please.

02:36:08 8 BY MR. McBRIDE:

02:36:09 9 Q. At this point, you are talking with Qu Hui, are you not?

02:36:17 10 A. Yes.

02:36:18 11 Q. What was the purpose of the top message?

02:36:29 12 A. It was response back to a message from the 9th
02:36:37 13 requesting information about the itinerary and then
02:36:44 14 chiding -- chiding us for not being more responsive on
02:36:48 15 WeChat. So we gave our apologies and then asked what
02:36:52 16 material may be needed for the exchange.

02:36:55 17 Q. Again, were you trying to get a specific suggestion from
02:36:58 18 Qu Hui?

02:36:59 19 A. Yes.

02:37:00 20 Q. Would you read Qu Hui's response at the bottom in the
02:37:04 21 white block there in the middle?

02:37:06 22 A. "Teacher, as for now, there's nothing you need to
02:37:10 23 prepare from my end."

02:37:13 24 Q. What did you do next?

02:37:17 25 A. Waited a couple days and responded.

02:37:23 1 BY MR. McBRIDE: Could we see the bottom image.

02:37:30 2 BY MR. McBRIDE:

02:37:30 3 Q. Would you read from "Right now" on.

02:37:35 4 A. "Right now, in my situation, it's convenient for me to

02:37:39 5 gather relevant information. It is also my desire to

02:37:42 6 maintain the good relationship between the Science and

02:37:44 7 Technology Association."

02:37:47 8 Q. What was the purpose of the phrase "it's convenient for

02:37:50 9 me to gather relevant information"?

02:37:53 10 A. Well, if Dr. Zheng was going to be flying to China and

02:37:57 11 he was going to give another presentation, he would need to

02:38:00 12 start collecting that now.

02:38:03 13 Q. Were you trying to show Qu Hui that it's easy for -- that

02:38:10 14 he can get information to -- that Dr. Zheng can get

02:38:13 15 information?

02:38:13 16 A. Yes.

02:38:14 17 Q. And that it would be easy to do for -- do so right now,

02:38:18 18 correct?

02:38:18 19 A. Yes.

02:38:19 20 Q. That's kind of a bait for Qu Hui, isn't it?

02:38:25 21 A. It's an offer.

02:38:27 22 Q. Okay. That's fair.

02:38:34 23 MR. McBRIDE: Could we move, Paul, to page 10.

02:38:44 24 BY MR. McBRIDE:

02:38:45 25 Q. Would you look at the middle block, sir?

02:38:47 1 A. I'm sorry. Can you repeat that?

02:38:51 2 Q. Would you look at the green block in the middle, please?

02:38:54 3 A. It's the same message.

02:38:56 4 Q. My apologies.

02:38:57 5 BY MR. McBRIDE: Could we go to 11.

02:38:57 6 BY MR. McBRIDE:

02:39:06 7 Q. Would you look at the top box, please.

02:39:09 8 A. Yes.

02:39:09 9 Q. And you wrote that, of course?

02:39:11 10 A. I did.

02:39:14 11 Q. Would you read the first sentence of that block?

02:39:18 12 A. "Just recently I've heard the speculation about laying
02:39:22 13 off in my department."

02:39:23 14 Q. What was the purpose of making that state to Qu Hui?

02:39:27 15 A. It was something that had been reported pretty
02:39:30 16 frequently in the business and international press, that GE
02:39:33 17 was conducting pretty massive layoffs as part of the
02:39:36 18 restructuring. So we led with that piece of association in
02:39:41 19 there.

02:39:41 20 Q. Were you trying to get Qu Hui to ask for more specific
02:39:45 21 information?

02:39:46 22 A. Yes.

02:39:47 23 Q. And were you trying -- trying to show Qu Hui that you had
02:39:52 24 a motive now to collect information?

02:39:54 25 A. It was a statement about something that was

02:39:57 1 internationally known at that point.

02:39:59 2 Q. But losing your job could be a motive, could it not?

02:40:03 3 A. It could.

02:40:04 4 Q. And is that why you put that statement in there?

02:40:09 5 A. Again, it was context.

02:40:16 6 Q. It wasn't to sweeten the pot, so to speak?

02:40:19 7 A. Based on the interpretation of the receiver.

02:40:25 8 MR. McBRIDE: Could we turn to page 17.

02:40:38 9 BY MR. McBRIDE:

02:40:39 10 Q. All right. Now, correct me if I'm wrong. I believe at
02:40:42 11 this point in the communication a trip had been planned to
02:40:45 12 France; is that correct?

02:40:46 13 A. No, it's not.

02:40:51 14 Q. Where are we in this, the top communication? What's the
02:40:55 15 circumstance in your investigation right now?

02:40:58 16 A. We were indicating that the doctor would be unable to
02:41:01 17 travel to China.

02:41:03 18 Q. Why did you make that representation?

02:41:06 19 A. Why?

02:41:07 20 Q. Um-hmm.

02:41:08 21 A. Because we weren't going to send him to China.

02:41:11 22 Q. So I think you told us earlier that you didn't want to
02:41:14 23 take Dr. Zheng originally, correct? With you to China?

02:41:20 24 A. Well, we were never going to go to China.

02:41:23 25 Q. Apologies. To Belgium.

02:41:24 1 A. No. Dr. Zheng had already -- we had planned on taking
02:41:27 2 him to Belgium.

02:41:28 3 Q. So the plan was Dr. Zheng would never go to China for the
02:41:31 4 NUAA exchange?

02:41:33 5 A. Yes.

02:41:33 6 Q. Okay. All right. Could we look at --

02:41:52 7 MR. McBRIDE: Your Honor, may I publish Exhibit 68?

02:41:55 8 THE COURT: It's been admitted?

02:41:57 9 MR. McBRIDE: It has, Your Honor.

02:41:58 10 THE COURT: Yes, you may.

02:42:05 11 BY MR. McBRIDE:

02:42:05 12 Q. Sir, can you see Exhibit 68? I'll wait till you get to
02:42:09 13 it.

02:42:28 14 BY MR. McBRIDE: And then could we look at page 3.

02:42:28 15 BY MR. McBRIDE:

02:42:45 16 Q. Now, you testified before that this was sent to Qu Hui,
02:42:50 17 correct, sir?

02:42:51 18 A. Yes.

02:42:52 19 Q. And you also testified, I believe, that the GE9X is one
02:42:57 20 of General Electric's more advanced jet engines, correct?

02:43:02 21 A. Yes.

02:43:03 22 Q. It has the composite components that we've been talking
02:43:08 23 about, correct?

02:43:08 24 A. It does.

02:43:08 25 Q. And this, of course, was cleared by GE, correct?

02:43:10 1 A. Yes.

02:43:11 2 Q. All right. So what was the purpose in sending this to Qu

02:43:16 3 Hui?

02:43:16 4 A. He had been asking about system design, and we were

02:43:19 5 uncertain as to what that term really meant.

02:43:22 6 Q. So what was the purpose in sending this to him?

02:43:24 7 A. To see if he would indicate if this was the type of

02:43:27 8 information that he was referring to or if it was something

02:43:30 9 different.

02:43:31 10 Q. Just out of curiosity, would you look down at the bottom

02:43:36 11 and then left where it says "LS-Dyno" -- "Dyna FBO,

02:43:42 12 calculations and optimization"?

02:43:46 13 A. Yes.

02:43:46 14 Q. Do you know what that means?

02:43:47 15 A. It's a testing program.

02:43:49 16 Q. Computer -- computer program?

02:43:50 17 A. Yes.

02:43:52 18 Q. Thank you.

02:43:59 19 As I recall, you never got a response whether or not Qu

02:44:01 20 Hui was interested in this document, correct?

02:44:03 21 A. I think he said he wanted to talk about it when we met

02:44:08 22 in person.

02:44:08 23 Q. Okay. And then the next item that you sent to Qu Hui is

02:44:16 24 the computer directory, correct?

02:44:19 25 A. Yes, at his request.

02:44:25 1 Q. The computer directory was put together by General
02:44:29 2 Electric, correct?

02:44:29 3 A. It was.

02:44:30 4 Q. And cleared by General Electric, correct?

02:44:33 5 A. It was.

02:44:34 6 Q. And provided to the FBI to send to Qu Hui, correct?

02:44:37 7 A. Yes.

02:44:46 8 MR. McBRIDE: That's all for that, Paul.

02:45:18 9 Bear with me for a minute, will you? I am going to get
02:45:33 10 to a certain spot.

02:45:34 11 May I have a moment, Your Honor?

02:45:36 12 THE COURT: Yes.

02:45:36 13 (Pause.)

02:45:43 14 BY MR. McBRIDE: Your Honor, may we publish
02:45:46 15 Government 31 Bravo, which has been admitted into evidence?

02:45:50 16 THE COURT: Yes.

02:45:52 17 MR. McBRIDE: Thank you, Your Honor.

02:46:30 18 BY MR. McBRIDE:

02:46:30 19 Q. You ready, sir? All right.

02:46:32 20 This is the transcript of the meeting between Qu Hui --
02:46:37 21 or pardon me -- Xu and Zeng, correct? Not Dr. Zheng, but
02:46:46 22 Zhang, Z-E-N-G [sic]; is that correct?

02:46:48 23 A. Yes.

02:46:49 24 BY MR. McBRIDE: Would you be kind enough to turn to
02:46:50 25 page 4?

02:46:48 1 BY MR. McBRIDE:

02:46:48 2 Q. All right. Would you read about -- it's a little over
02:47:09 3 half the way page down where it says, "Zhang: Then it will
02:47:14 4 do"? Do you see that, sir?

02:47:21 5 A. I might need a moment.

02:47:29 6 Okay.

02:47:39 7 Q. Would you agree that this conversation is generally a
02:47:42 8 tutoring session?

02:47:44 9 A. Yes.

02:47:45 10 Q. Would you then read, again, sir, where Zhang says, "Then
02:47:52 11 it will do"?

02:47:53 12 A. "Then it will do all three of us in."

02:48:01 13 Q. Could you read the next sentence, please?

02:48:03 14 A. "To be honest in private, this is simply copyright
02:48:06 15 violations, right?"

02:48:09 16 Q. Do you know what they're talking about there?

02:48:12 17 A. I believe they are talking about the defendant taking
02:48:21 18 some exam prior to that.

02:48:36 19 Yeah, they are talking about the defendant taking an
02:48:39 20 exam.

02:48:39 21 Q. So would it be fair to say these copyright violations
02:48:43 22 don't involve any kind of technology?

02:48:45 23 A. Based on the context, I couldn't say.

02:48:48 24 Q. Thank you. You couldn't say?

02:48:49 25 A. Well, I mean, they are talking about an exam.

02:48:54 1 BY MR. McBRIDE: Okay. Could we turn to the same
02:48:58 2 exhibit, page 13, please.

02:49:14 3 Actually, Paul, can we see the bottom?

02:49:18 4 BY MR. McBRIDE:

02:49:18 5 Q. Would you read the last sentence where Xu says, starting
02:49:24 6 with "That's why"?

02:49:25 7 A. "That's why the Central Discipline Investigation
02:49:28 8 Commission usually comes to us when they have
02:49:30 9 investigations."

02:49:31 10 Q. Do you know what the Central Discipline Inspection
02:49:33 11 Commission is?

02:49:34 12 A. To the best of my knowledge, it's part of the PCB.

02:49:38 13 Q. And Central Discipline, do you know what that means more
02:49:42 14 specifically, other than being part of the PCB?

02:49:45 15 A. People who violate party principles.

02:49:50 16 Q. And that commission is involved in investigating or
02:49:54 17 inspecting those; is that fair?

02:49:55 18 A. To my understanding.

02:49:57 19 Q. Okay.

02:50:02 20 MR. McBRIDE: Paul, will you take that one down.

02:50:09 21 Your Honor, may we publish Government Exhibit 41b, which
02:50:14 22 has been admitted?

02:50:16 23 THE COURT: Yes.

02:51:00 24 BY MR. McBRIDE:

02:51:00 25 Q. You ready, sir? I'm sorry. You ready?

02:51:03 1 A. I am.

02:51:04 2 Q. I'd like you to look at the very top sentence. Do you
02:51:08 3 see where it says, "The analytical tools for Boeing strength
02:51:13 4 engineers such as Famoss, Boeing design manuals such as Book 2
02:51:21 5 or 3"? Do you see that, sir?

02:51:22 6 A. I do.

02:51:22 7 Q. Do you know what the Boeing design manual is?

02:51:25 8 A. I have a general understanding of what it is.

02:51:28 9 Q. What's your general understanding?

02:51:30 10 A. It's the method that Boeing uses to design components
02:51:34 11 to their aircraft.

02:51:35 12 Q. Did you know you could get that Boeing design manual on
02:51:38 13 the Internet?

02:51:38 14 A. I don't know which version that is, but it could be
02:51:41 15 possible.

02:51:43 16 BY MR. McBRIDE: Okay. Could we go to page 2,
02:51:45 17 please.

02:51:45 18 BY MR. McBRIDE:

02:52:04 19 Q. Sir, do you see just below the black line in that
02:52:08 20 exhibit?

02:52:09 21 A. I do.

02:52:09 22 Q. All right. And do you see where there is the reference
02:52:14 23 to the U.S. aerial refueling aircraft KC-135?

02:52:22 24 A. I do.

02:52:23 25 Q. Do you know what the KC-135 is?

02:52:25 1 A. Yes.

02:52:26 2 Q. What is it?

02:52:27 3 A. It's a U.S. military refueling aircraft.

02:52:30 4 Q. In the air refueling, correct, sir?

02:52:33 5 A. Yes.

02:52:33 6 Q. Do you know it's a 60-year-old plane, sir?

02:52:37 7 A. It's still in service.

02:52:39 8 Q. And do you know it's just about to be phased out of

02:52:41 9 service?

02:52:42 10 A. I do not.

02:52:43 11 Q. What if I told you it was? Would you believe me?

02:52:51 12 I'll take that as a "no," sir.

02:52:53 13 THE COURT: Is that a question?

02:52:56 14 MR. McBRIDE: Sir, I asked him if I told him that it

02:52:59 15 was about to be phased out of service would he believe me.

02:53:02 16 THE COURT: And I find that -- move along, please.

02:53:07 17 MR. McBRIDE: Yes, sir.

02:53:13 18 Your Honor, could we admit 41b, please.

02:53:16 19 THE COURT: It's admitted, right?

02:53:19 20 MR. McBRIDE: I'm sorry. Could we move to page 4,

02:53:22 21 please. Sorry, Paul. Page 4 of the last exhibit, 41 Bravo.

02:53:59 22 BY MR. McBRIDE:

02:53:59 23 Q. Sir, are you on page 4?

02:54:00 24 A. I am.

02:54:01 25 Q. Would you look at the top of the document?

02:54:09 1 I believe you testified about that top block, that those
02:54:12 2 were codes, correct?

02:54:14 3 A. Yes.

02:54:15 4 Q. Do you know why they are encoded?

02:54:18 5 A. I do not.

02:54:19 6 Q. And these are text messages, are they not?

02:54:22 7 A. This is, yes.

02:54:23 8 Q. Do you know why they are texting what the codes mean?

02:54:29 9 A. I do not.

02:54:32 10 Q. And they are pretty simple codes, aren't they?

02:54:35 11 A. They are if you have the answer key.

02:54:40 12 Q. Well, don't they tell you what the answer key is?

02:54:43 13 A. They do.

02:54:44 14 Q. Okay.

02:54:50 15 MR. McBRIDE: Your Honor, may we admit Exhibit 42b,
02:54:54 16 which is already in evidence?

02:54:58 17 THE COURT: Yes.

02:55:14 18 BY MR. McBRIDE:

02:55:14 19 Q. Sir, do you have that document in front of you?

02:55:16 20 A. I do.

02:55:17 21 Q. Would you look at the top right block and read what is in
02:55:26 22 yellow there?

02:55:27 23 A. Do you mean in the first line?

02:55:30 24 Q. Yes, sir. The whole sentences.

02:55:34 25 A. "Hello Manager Xu. This is He Guangqing from Hunan

02:55:42 1 Tyen. I am at the high-speed rail station to pick you up.
02:55:44 2 When you exit, stay on the left. I will be at the left side
02:55:48 3 of the exit."

02:55:50 4 Q. Do you know what the Hunan Tyen Machinery Company does?
02:55:55 5 A. Beyond what you just described, very little.

02:56:01 6 Q. Did you know it's an automotive parts supplier then?
02:56:06 7 A. The machine company, they may make other parts, I don't
02:56:12 8 know.

02:56:12 9 Q. Did you know they are a division of China Changan
02:56:15 10 Mobile -- pardon me -- Automobile Group Limited?
02:56:18 11 A. I did not.

02:56:23 12 BY MR. McBRIDE: Could we go to the top of page 2,
02:56:27 13 Paul. Try to find the spot here.

02:56:27 14 BY MR. McBRIDE:

02:57:10 15 Q. Throughout your direct examination, there were a couple
02:57:12 16 of spots that refer to the Eighth Bureau. Do you remember
02:57:17 17 that, sir?
02:57:18 18 A. I do.

02:57:18 19 Q. And essentially the phrases were something to the
02:57:22 20 effect -- correct me if I'm wrong -- the Eighth Bureau has
02:57:26 21 applied its techniques. Do you remember that, sir?
02:57:30 22 A. I believe it's the Eighth Division, but, yes.

02:57:33 23 Q. Thank you. Eighth Division, that's fine.
02:57:35 24 Do you know what the Eighth Division is?
02:57:37 25 A. I have a general understanding, yes.

02:57:38 1 Q. What's your general understanding?

02:57:40 2 A. It's their equivalent of our cyber.

02:57:48 3 Q. Counterespionage?

02:57:50 4 A. That could be a tool, yes.

02:58:07 5 MR. McBRIDE: Bear with me a moment, Your Honor,
02:58:09 6 please.

02:58:36 7 Your Honor, may we publish Government Exhibit 1a.

02:58:41 8 THE COURT: It's admitted, correct?

02:58:43 9 MR. McBRIDE: It is, Your Honor.

02:58:44 10 THE COURT: You may.

02:59:04 11 MR. McBRIDE: Would you blow it up just a little,
02:59:12 12 Paul.

02:59:14 13 BY MR. McBRIDE:

02:59:14 14 Q. Do you see it, sir?

02:59:15 15 A. I do.

02:59:16 16 Q. All right. These are photographs that were taken of the
02:59:21 17 items from Xu -- pardon me -- Xu Heng when he was arrested in
02:59:27 18 Belgium, correct?

02:59:28 19 A. I believe that's accurate, yes.

02:59:29 20 Q. That's what it says on the top of the document, I
02:59:32 21 believe.

02:59:34 22 Xu Heng was released by the Belgians, wasn't he?

02:59:39 23 A. He was.

02:59:40 24 Q. So these items and -- the top two items, they are
02:59:44 25 pictures of backpacks, correct?

02:59:46 1 A. Yes.

02:59:47 2 Q. All right. On the right, there is a computer in one of

02:59:50 3 the backpacks, correct?

02:59:51 4 A. Yes.

02:59:52 5 Q. All right. Wouldn't you expect travelers to have

02:59:58 6 backpacks?

02:59:59 7 A. I do.

02:59:59 8 Q. And then let's move down to the next frame. These are

03:00:03 9 various devices, are they not, on the left and right that were

03:00:08 10 taken from Xu Heng and possibly Xu Quan -- pardon me -- Xu

03:00:17 11 Yanjun?

03:00:17 12 A. Yes.

03:00:17 13 Q. And then -- and you would expect travelers to have

03:00:21 14 electronic devices, would you not?

03:00:23 15 A. Some, yes.

03:00:25 16 Q. And then on the left we have some sort of storage device,

03:00:28 17 correct?

03:00:28 18 A. We do.

03:00:29 19 Q. And if you're traveling and taking a lot of pictures, you

03:00:34 20 might want to have a storage device, would you not?

03:00:36 21 A. If you were taking a lot of pictures, yes.

03:00:38 22 Q. And then on the right you've got some cords and

03:00:41 23 connectors, correct?

03:00:42 24 A. Yes.

03:00:42 25 Q. Not particularly unusual in and of themselves, are they?

03:00:46 1 A. By themselves, no.

03:00:48 2 Q. Let's move down to the very bottom.

03:00:55 3 And these are -- on the left is -- these are cards,
03:00:59 4 correct? Sim cards of some sort?

03:01:01 5 A. They are sim cards, yes.

03:01:03 6 Q. And the same thing on the right, correct?

03:01:05 7 A. Yes.

03:01:06 8 Q. And the sim cards are necessary for the cell phones,
03:01:10 9 correct?

03:01:10 10 A. Yes.

03:01:18 11 MR. McBRIDE: Your Honor, may we publish Exhibit 1b,
03:01:24 12 which is also in evidence?

03:01:26 13 THE COURT: Yes.

03:01:33 14 BY MR. McBRIDE:

03:01:33 15 Q. Do you have those in front of you, sir?

03:01:35 16 A. I do.

03:01:36 17 Q. And these are the plane tickets, correct?

03:01:38 18 A. They are.

03:01:38 19 Q. And they were found on Xu Heng, correct?

03:01:42 20 A. They are -- or they were. Excuse me.

03:01:44 21 Q. Pardon me?

03:01:45 22 A. They were, yes.

03:01:46 23 Q. And on the left, we have Mr. Xu's ticket, correct?

03:01:51 24 A. Yes.

03:01:51 25 Q. And on the right, we have Mr. Heng's, correct?

03:01:55 1 A. Yes.

03:01:56 2 Q. All right. Nothing particularly odd about those plane
03:02:00 3 tickets, are there?

03:02:01 4 A. No.

03:02:02 5 Q. And is there anything particular odd about Mr. Heng
03:02:08 6 having them?

03:02:09 7 A. A plane ticket?

03:02:10 8 Q. Yes. Both plane tickets.

03:02:12 9 A. No.

03:02:16 10 MR. McBRIDE: Your Honor, may we publish Government
03:02:19 11 Exhibit 1c?

03:02:20 12 THE COURT: Yes, if it's been admitted.

03:02:23 13 MR. McBRIDE: It is, Your Honor. I apologize. It
03:02:27 14 is.

03:02:27 15 Can we focus on the top here.

03:02:30 16 BY MR. McBRIDE:

03:02:31 17 Q. Do you have that exhibit in front of you, sir?

03:02:33 18 A. I do.

03:02:34 19 Q. All right. I'd like to look at mostly the top left if we
03:02:39 20 could. I believe your testimony was that these gray
03:02:42 21 envelopes, there was money in them, correct?

03:02:44 22 A. Well, they are brown, and I believe the Belgian federal
03:02:50 23 police officer testified to that.

03:02:51 24 Q. Try and focus on my questions. I apologize for
03:02:55 25 misstating the color.

03:02:56 1 So the brown envelopes have money in them, correct?

03:03:00 2 A. They do.

03:03:01 3 Q. Some euros, correct?

03:03:03 4 A. Yes.

03:03:04 5 Q. There was some Chinese yen, correct?

03:03:06 6 A. I believe that was from the wallet, but, yes.

03:03:09 7 Q. And then there were some American dollars, correct?

03:03:11 8 A. 7,000 American dollars.

03:03:13 9 Q. What would you consider to be about the total value of
03:03:17 10 the money in the brown envelopes?

03:03:18 11 A. I believe the Belgian chief inspector testified it was
03:03:22 12 in the order of like 7,000 U.S. dollars and 7,000 euros.

03:03:29 13 Q. So together maybe 17-, \$18,000?

03:03:32 14 A. Yes.

03:03:34 15 Q. Correct me if I'm wrong, but you testified earlier today
03:03:38 16 that the GE information at issue here was worth billions of
03:03:44 17 dollars in development; is that right?

03:03:46 18 A. Yes.

03:04:00 19 BY MR. McBRIDE: Could we pull out a little bit,
03:04:03 20 Paul? Pull the picture?

03:03:47 21 BY MR. McBRIDE:

03:03:47 22 Q. Look again, please, at the top left. Is that a passport
03:04:14 23 there?

03:04:15 24 A. It is.

03:04:15 25 Q. Whose passport is that, do you know?

03:04:18 1 A. I do not.

03:04:19 2 Q. But you found Mr. Xu's passport, correct?

03:04:23 3 A. The Belgians did, yes.

03:04:26 4 Q. The Belgians did. Well, thank you. And the Belgians
03:04:31 5 found that that passport was issued by China, correct?

03:04:35 6 A. Yes.

03:04:35 7 Q. And there is nothing unusual about that, is there?

03:04:37 8 A. No.

03:04:37 9 Q. And he had a visa, correct?

03:04:40 10 A. He did.

03:04:42 11 Q. And that visa allowed Mr. Xu to move around Europe; is
03:04:47 12 that correct?

03:04:47 13 A. That's what he provided to the French government.

03:04:51 14 Q. There is nothing inherently odd about that, is there, for
03:04:54 15 a traveller?

03:04:55 16 A. No.

03:05:02 17 MR. McBRIDE: Your Honor, could we publish Exhibit
03:05:05 18 6h, which has been admitted into evidence?

03:05:21 19 THE COURT: Yes.

03:05:22 20 MR. McBRIDE: Could we turn the page to page 5.

03:05:39 21 BY MR. McBRIDE:

03:05:39 22 Q. Are you there, sir?

03:05:40 23 A. I am.

03:05:41 24 MR. McBRIDE: Could we blow it up a little bit,
03:05:44 25 Paul?

03:05:47 1 BY MR. McBRIDE:

03:05:47 2 Q. All right. Would you look at Number 25 and go across to

03:05:57 3 "From"? Do you see that, sir?

03:06:02 4 A. I do.

03:06:02 5 Q. And you see the WeChat handle there starting with wxid?

03:06:08 6 A. Yes, with the name Jerry.

03:06:11 7 Q. Do you know whose WeChat that is?

03:06:13 8 A. I believe it's your client's.

03:06:14 9 Q. All right. And look to the bottom where it says "To."

03:06:19 10 It's to lin772438, correct?

03:06:22 11 A. It is.

03:06:23 12 Q. Do you know who Lin is?

03:06:24 13 A. I believe that's your defendant's wife.

03:06:27 14 Q. Correct.

03:06:28 15 A. Your client's wife.

03:06:30 16 Q. And would you read what's highlighted in yellow to the

03:06:33 17 right, please?

03:06:33 18 A. "What if they don't have this brand?"

03:06:36 19 Q. And then would you read what's highlighted in yellow one

03:06:43 20 step below?

03:06:43 21 A. "If they don't have it, then don't worry about it."

03:06:46 22 Q. And who is that message from?

03:06:49 23 A. The defendant's spouse.

03:06:53 24 Q. To the defendant, sir?

03:06:54 25 A. Yes.

03:06:55 1 Q. All right. And then would you read what's highlighted in
03:07:00 2 yellow in block 27?

03:07:02 3 A. "There is none."

03:07:07 4 Q. What conclusion do you draw from that exchange?

03:07:14 5 A. Discussions between husband and wife about shopping.

03:07:20 6 Q. Thank you.

03:07:23 7 MR. McBRIDE: Can we see the next page, please.

03:07:34 8 BY MR. McBRIDE:

03:07:34 9 Q. Just to continue in this theme, the block above 30
03:07:38 10 doesn't have a number in it on this exhibit, but would you
03:07:41 11 read what's in red -- in yellow at the far right at the very
03:07:45 12 top?

03:07:45 13 A. "In that case, just buy three Lancome facial
03:07:49 14 moisturizing masks instead them -- then."

03:07:55 15 Q. Thank you, sir.

03:08:00 16 BY MR. McBRIDE: Could we go to page 19, please.

03:08:00 17 BY MR. McBRIDE:

03:08:20 18 Q. All right. Would you read message 110, please?

03:08:24 19 A. "Send me some photos when you have time."

03:08:28 20 Q. And who is that from?

03:08:29 21 A. That appears to be from the defendant's spouse.

03:08:34 22 Q. And who is it to?

03:08:35 23 A. The defendant.

03:08:36 24 Q. What conclusion do you draw from that sentence?

03:08:40 25 MR. MANGAN: Objection.

03:08:41 1 THE COURT: Basis?

03:08:42 2 MR. MANGAN: Asking him to guess what the intent of
03:08:48 3 the statement was.

03:08:49 4 MR. McBRIDE: I'll rephrase, Your Honor.

03:08:50 5 THE COURT: Very well. He'll rephrase.

03:08:53 6 BY MR. McBRIDE:

03:08:53 7 Q. Do you appear -- does it appear to be that Mrs. Yanjun is
03:08:57 8 asking for some pictures of Mr. Xu's travels?

03:09:00 9 A. Yes.

03:09:02 10 Q. Thank you.

03:09:08 11 MR. McBRIDE: You can take that one down, Paul.

03:09:15 12 BY MR. McBRIDE:

03:09:15 13 Q. Sir, do you recall that a number of the email -- a number
03:09:18 14 of the exhibits that the jury viewed last week came from the
03:09:26 15 jastxyj Gmail account? Do you remember that, sir?

03:09:31 16 A. I do.

03:09:32 17 Q. And the jastquhui Gmail account, correct?

03:09:36 18 A. Yes.

03:09:36 19 Q. What was the date the Belgians arrested Mr. Xu?

03:09:53 20 A. April 1, 2018.

03:09:55 21 Q. And they placed his phone in a Faraday bag, did they not?

03:09:59 22 A. Not 100 percent on that, but they should have. Whether
03:10:03 23 they did or didn't, I don't know.

03:10:04 24 Q. If they placed it in a Faraday bag -- pardon me. Let me
03:10:10 25 start with this: What is a Faraday bag?

03:10:12 1 A. Faraday bag is a bag that we place electronic media in
03:10:16 2 so that it, in principle, should block a signal. In
03:10:23 3 practice, sometimes it doesn't. It depends on the quality
03:10:26 4 of the Faraday bag.

03:10:27 5 Q. Did you know that the jastxyj Gmail was accessed 55 times
03:10:33 6 after Mr. Xu's arrest?

03:10:34 7 A. Yes.

03:10:35 8 Q. And were you aware that the last one, last access was on
03:10:38 9 May 4, 2017?

03:10:42 10 A. That would be before the arrest.

03:10:44 11 Q. I'm sorry. June 4, 2017.

03:10:50 12 A. Okay.

03:10:51 13 Q. And then that the network locations it was accessed from
03:10:58 14 included the Jiangsu area and Berlin. Were you aware of that?

03:11:02 15 A. Sounds vaguely familiar, yes.

03:11:09 16 BY MR. McBRIDE: Could we publish, Your Honor,
03:11:12 17 Government Exhibit 64b? It has been admitted into evidence.

03:11:19 18 THE COURT: Yes.

03:11:35 19 BY MR. McBRIDE:

03:11:35 20 Q. And, sir, we are going to go to page 14 while you are
03:11:38 21 looking. Page 14 while you are looking.

03:11:56 22 A. I don't have a page 14 in 64b.

03:12:01 23 Q. All right. My apologies.

03:12:03 24 Let's back up on that. I don't want to spend the jury's
03:12:07 25 time -- waste the jury's time on that.

03:12:11 1 MR. McBRIDE: Your Honor, could we publish
03:12:13 2 Government Exhibit 94b, which has been admitted?
03:12:17 3 THE COURT: Yes.
03:12:55 4 BY MR. McBRIDE:
03:12:55 5 Q. Are you there, sir?
03:12:56 6 A. I am.
03:12:57 7 Q. All right. Will you read the "From" line at the top.
03:13:01 8 A. From jastxyj@gmail.com.
03:13:06 9 Q. Will you read the "To" line at the bottom of the top
03:13:12 10 section there?
03:13:12 11 A. Xuyanjun1980@sohu.com.
03:13:19 12 Q. So this email appears to be from whoever is at
03:13:26 13 jastxyj@gmail.com, correct?
03:13:28 14 A. It's sent from that address.
03:13:29 15 Q. Pardon me?
03:13:30 16 A. It's sent from that address.
03:13:31 17 Q. All right. And then the greeting is to Liu Yong; is that
03:13:37 18 correct?
03:13:37 19 A. Yes.
03:13:41 20 Q. And Liu Yong is apparently at xuyanjun1980, correct?
03:13:49 21 A. That's the name that's on that email.
03:13:55 22 Q. And that's the email that you identified our client
03:13:58 23 with -- my client with, correct?
03:14:00 24 A. Yes.
03:14:00 25 Q. All right. But apparently somebody else is using xyj --

03:14:08 1 jastxyj, correct?

03:14:10 2 A. Or your client is emailing an email to himself from
03:14:14 3 that account.

03:14:15 4 Q. So your testimony is he's emailing himself from that
03:14:19 5 account and greeting himself as Liu Yong; is that right?

03:14:23 6 A. It's possible.

03:14:24 7 Q. Okay.

03:14:28 8 THE COURT: Have we reached a pause point?

03:14:31 9 MR. McBRIDE: Yes, Your Honor. Perfect pause
03:14:33 10 actually.

03:14:33 11 THE COURT: Very well. We are going to take a
03:14:35 12 30-minute break. I have something I have to do unrelated, so
03:14:38 13 you get a full break. Don't discuss the case among yourselves
03:14:41 14 or with anyone else. No independent research. Continue to
03:14:45 15 keep an open mind.

03:14:46 16 We will stand as you leave until a quarter of 4.

03:14:49 17 THE COURTROOM DEPUTY: All rise for the jury.

03:14:51 18 (Jury out at 3:14 p.m.)

03:15:35 19 THE COURT: The jury's left the room. The door is
03:15:37 20 closed. I'm sorry. I have to break until a quarter of 4.
03:15:45 21 How are you coming?

03:15:46 22 MR. McBRIDE: I am going to try to get through
03:15:48 23 today, Your Honor.

03:15:48 24 THE COURT: Very well. We will recess until a
03:15:50 25 quarter of 4.

03:15:53 1 THE COURTROOM DEPUTY: This court is in recess until
03:15:56 2 a quarter of 4.

03:15:58 3 (Recess from 3:16 p.m. until is 3:46 p.m.)

03:46:37 4 THE COURT: Are we ready for the jury from the
03:46:40 5 government's perspective?

03:46:42 6 MR. MANGAN: Yes, Your Honor.

03:46:43 7 THE COURT: From the defense as well?

03:46:47 8 MR. McBRIDE: Yes, Your Honor.

03:46:49 9 THE COURT: Let's call for the jury, please.

03:47:31 10 THE COURTROOM DEPUTY: All rise for the jury.

03:47:33 11 (Jury in at 3:47 p.m.)

03:48:03 12 THE COURT: Please be seated. The 15 jurors have
03:48:09 13 rejoined us. We will continue to hear testimony.

03:48:14 14 Mr. McBride, you may proceed.

03:48:19 15 MR. McBRIDE: Thank you, Your Honor.

03:48:22 16 THE COURT: Very well.

03:48:33 17 MR. McBRIDE: Can I have a moment, Your Honor, to
03:48:35 18 find my spot?

03:48:36 19 (Pause.)

03:48:55 20 BY MR. McBRIDE:

03:48:56 21 **Q.** Agent Hull, we were talking about the email jastxyj. Do
03:49:06 22 you recall that?

03:49:06 23 **A.** I do.

03:49:07 24 **Q.** All right. And I believe we ended with -- I am not
03:49:12 25 asking to pull it up -- Government Exhibit 94b. Do you recall

03:49:17 1 that?

03:49:17 2 A. I do.

03:49:17 3 Q. All right. So you are aware, are you not, that the
03:49:20 4 United States has admitted that there may be others accessing
03:49:30 5 the jastxyj account, correct?

03:49:33 6 A. Among other explanations, yes.

03:49:36 7 Q. Yes. All right. Let's look at the jastquhui account.
03:49:42 8 Are you aware that it was accessed 56 times after Mr. Xu was
03:49:46 9 arrested?

03:49:46 10 A. Ballpark, yes.

03:49:48 11 Q. Ballpark. 56 is a fair number?

03:49:55 12 A. It is.

03:49:55 13 Q. And are you aware that it was accessed from locations of
03:49:59 14 Jiangsu, Berlin, and Paris? Does that sound about right?

03:50:02 15 A. About right, yep.

03:50:05 16 Q. And you are also aware that the government has admitted
03:50:09 17 that this may indicate there may be other individuals
03:50:12 18 accessing this email account, correct?

03:50:16 19 A. Among other explanations, yes.

03:50:18 20 Q. But possibly other people are accessing it, correct?

03:50:23 21 A. Yes.

03:50:23 22 Q. Okay. I'm curious, Agent, did you do any studying about
03:50:42 23 MSS itself?

03:50:44 24 A. Specific to this case?

03:50:45 25 Q. Yes.

03:50:46 1 A. Some.

03:50:51 2 Q. Do you know what the bureaus are?

03:50:55 3 A. Not off the top of my head I do not.

03:50:58 4 Q. So you couldn't list them off for us?

03:51:00 5 A. I could not.

03:51:00 6 Q. Okay. That's fair enough. I am certainly not going to

03:51:03 7 ask you to do that.

03:51:07 8 I am going to ask you about a few of the items that were

03:51:10 9 found when Mr. Xu and Mr. Heng were arrested.

03:51:10 10 A. Okay.

03:51:14 11 Q. I am not going to pull most of them up, just to save

03:51:19 12 time.

03:51:19 13 I think you testified -- and correct me if I'm wrong --

03:51:22 14 that Mr. Xu had a Chinese identification card on him, correct?

03:51:27 15 A. Yes.

03:51:27 16 Q. And are you aware that every Chinese citizen has one of

03:51:30 17 those documents assigned to them?

03:51:33 18 A. Yes.

03:51:33 19 Q. And that it has a unique number on that document for that

03:51:38 20 individual, correct?

03:51:39 21 A. Yes.

03:51:40 22 Q. All right. And that number is assigned by the Chinese

03:51:44 23 communist party, correct?

03:51:45 24 A. Yes.

03:51:48 25 Q. And Xu was in possession of his own identification card

03:51:54 1 from the Chinese government, correct?

03:51:55 2 A. Yes.

03:51:57 3 Q. He wasn't traveling under an alias, correct?

03:52:02 4 A. An alias name, no.

03:52:15 5 MR. McBRIDE: Your Honor, may we publish Government
03:52:19 6 Exhibit 28 which has been admitted?

03:52:21 7 THE COURT: Yes.

03:52:44 8 BY MR. McBRIDE:

03:52:45 9 Q. Sir, could you turn to page 2, please? Actually, let's
03:52:49 10 leave it there on page 1. Would you look at the bottom right
03:52:52 11 and describe what you see, that red marking?

03:52:55 12 A. You mean the seal?

03:53:00 13 Q. Do you know anything about official documents in China?

03:53:04 14 A. They usually have a red seal.

03:53:07 15 Q. And every organization has its own seal, correct?

03:53:11 16 A. Every government or government-related organization
03:53:14 17 does, to the best of my knowledge, yes.

03:53:16 18 Q. Some business organizations also?

03:53:17 19 A. They may.

03:53:18 20 Q. And so that indicates to you, does it not, that that's an
03:53:21 21 official document?

03:53:22 22 A. Yes.

03:53:23 23 BY MR. McBRIDE: All right. Could we turn to page
03:53:26 24 2.

03:53:26 25 BY MR. McBRIDE:

03:53:28 1 Q. This is the same document, sir, and I believe you
03:53:31 2 testified that this is Mr. Xu's admission to NUAA; is that
03:53:39 3 correct, your -- correct, sir?

03:53:40 4 A. Yes.

03:53:41 5 Q. And that would be a legitimate document, correct?

03:53:45 6 A. Based on this, it is.

03:53:46 7 Q. All right. Thank you.

03:53:55 8 I would like to talk a little bit about the techniques
03:54:02 9 you used in this investigation, briefly.

03:54:14 10 So we've heard already that you executed a search warrant
03:54:18 11 at Mr. -- at Dr. Zheng's house, correct? And you executed one
03:54:23 12 at his phones and his car, correct?

03:54:25 13 A. Yes.

03:54:25 14 Q. All right. In general, what kind of information did you
03:54:31 15 retrieve from that search warrant?

03:54:33 16 A. We had computers that we reviewed; we had the phone,
03:54:39 17 which we reviewed; and we had a few other electronic devices
03:54:43 18 which we seized, some of which we reviewed, some of which we
03:54:48 19 did not; and the business card from the defendant.

03:54:50 20 Q. So you obtained a lot of emails, correct?

03:54:53 21 A. Yes.

03:54:53 22 Q. And those emails, some of them were between -- and these
03:54:58 23 were the ones you were looking for -- Dr. Zheng and Chen Feng,
03:55:01 24 correct?

03:55:02 25 A. The person using the jeremy@nuaa.edu.cn email.

03:55:10 1 Q. Very well. And from that email search, from those
03:55:13 2 emails, you got -- you identified other emails of interest to
03:55:16 3 you, correct?

03:55:16 4 A. Yes.

03:55:17 5 Q. All right. And then you did what?

03:55:20 6 A. We sought additional search warrants for those other
03:55:24 7 emails of interest.

03:55:25 8 Q. Okay. And who did you send those search warrants to?

03:55:32 9 A. Google. We did one more for Hotmail.

03:55:36 10 Q. So all those -- Google keeps its information on servers
03:55:40 11 in the United States, correct?

03:55:41 12 A. It does.

03:55:43 13 Q. And so because of that, you were able to issue a search
03:55:49 14 warrant for those emails, correct?

03:55:51 15 A. Yes.

03:55:52 16 Q. And with the legal process of a search warrant, you were
03:55:57 17 able to get the content of the emails, correct?

03:55:59 18 A. Yes.

03:56:00 19 Q. And some of what you received is what's been entered into
03:56:03 20 evidence in this course, correct?

03:56:05 21 A. It is.

03:56:08 22 Q. This course -- pardon me. This case.
03:56:15 23 And you, of course, analyzed the contents of the emails
03:56:21 24 that you received, correct?

03:56:22 25 A. I read them, yes.

03:56:24 1 Q. All right. Were you able to put them in some kind of
03:56:28 2 cohesive story, if you will?

03:56:31 3 A. I believe so, yes.

03:56:33 4 Q. All right. And, of course, when you -- when the Belgians
03:56:41 5 arrested Mr. Xu, they seized his cell phone, correct?

03:56:46 6 A. Yes.

03:56:47 7 Q. And you, properly so, got a legal search warrant to
03:56:53 8 search his cell phone, correct?

03:56:55 9 A. After we had him in our custody, yes.

03:56:58 10 Q. And that's where you got the text messages and -- that's
03:57:00 11 where you got the text messages, right?

03:57:03 12 A. In addition to the iPhone backup, yes.

03:57:06 13 Q. Okay. And were you able to get other items, then, out of
03:57:10 14 the iCloud?

03:57:10 15 A. Yes.

03:57:11 16 Q. And that iCloud is stored on servers also in the United
03:57:14 17 States, correct?

03:57:14 18 A. Yes.

03:57:20 19 Q. So your contention is that Mr. Xu is an intelligence
03:57:38 20 officer from MSS; is that correct?

03:57:40 21 A. It's not my contention. We've reviewed his resume
03:57:45 22 working for the MSS.

03:57:48 23 Q. Okay. That's a document no one has ever seen before,
03:57:52 24 correct?

03:57:53 25 A. No one in the United States intelligence community, no.

03:57:56 1 Q. All right. And it didn't have a seal on it, did it?

03:57:59 2 A. The pages we recovered did not.

03:58:01 3 Q. All right. So you are also in the counterespionage
03:58:09 4 business, correct?

03:58:10 5 A. I am in the counterintelligence --

03:58:10 6 Q. Pardon me --

03:58:12 7 A. -- section of the FBI.

03:58:13 8 Q. -- counterintelligence. Excuse me.

03:58:15 9 Do you think it's good tradecraft to communicate over
03:58:18 10 email that could be recovered from a server in California?

03:58:23 11 MR. MANGAN: Objection. Relevance.

03:58:27 12 THE COURT: It's irrelevant.

03:58:29 13 MR. McBRIDE: I'll rephrase the question, Your
03:58:31 14 Honor.

03:58:31 15 THE COURT: Very well.

03:58:34 16 BY MR. McBRIDE:

03:58:37 17 Q. The emails that you obtained weren't in a kind of code,
03:58:44 18 were they?

03:58:44 19 A. How do you mean?

03:58:46 20 Q. Well, the emails themselves didn't have any code to its
03:58:50 21 content, did it?

03:58:53 22 A. There were messages back and forth that discussed using
03:58:57 23 codes.

03:58:57 24 Q. I understand, but the messages themselves weren't coded
03:59:00 25 in any way, were they?

03:59:01 1 A. No. The emails --

03:59:01 2 Q. And you were able to -- I apologize. What were you going

03:59:04 3 to say?

03:59:05 4 A. The emails were not.

03:59:06 5 Q. And you were able to evaluate those emails without any

03:59:09 6 problem once they were translated, correct?

03:59:11 7 A. Yes.

03:59:12 8 Q. All right. The same thing with the cell phones. There

03:59:17 9 were things saved on the cell phones, correct?

03:59:19 10 A. Yes.

03:59:20 11 Q. All right. Including the audio -- the audio recordings

03:59:26 12 that we have talked about at this trial, correct?

03:59:28 13 A. Yes.

03:59:29 14 Q. All right. And they weren't somehow encrypted, were

03:59:33 15 they?

03:59:33 16 A. I mean, the device was password locked and protected.

03:59:38 17 Q. No. I mean the communications themselves, they weren't

03:59:41 18 encrypted somehow or encoded, were they?

03:59:46 19 A. Which communications specifically?

03:59:46 20 Q. The verbal communications.

03:59:48 21 A. No.

03:59:48 22 Q. They were not in code of any kind, were they?

03:59:50 23 A. They were not.

03:59:51 24 Q. And once again, Mr. Xu traveled to Belgium under his own

03:59:59 25 name, correct?

04:00:00 1 A. He did.

04:00:01 2 Q. We saw in his materials that he had a credit card,
04:00:15 3 correct?

04:00:15 4 A. Yes.

04:00:15 5 Q. Nothing unusual about that, is there?

04:00:18 6 A. No.

04:00:23 7 MR. McBRIDE: Can I have a moment, Your Honor?

04:00:25 8 THE COURT: Yes.

04:00:29 9 (Pause.)

04:00:44 10 MR. McBRIDE: Your Honor, I believe I am done with
04:00:47 11 this witness.

04:00:47 12 THE COURT: Very well. Thank you.

04:00:49 13 MR. McBRIDE: Thank you, Your Honor.

04:00:52 14 MR. MANGAN: Can we have one moment, Your Honor?

04:00:54 15 THE COURT: Yes.

04:00:54 16 (Pause.)

04:01:40 17 THE COURT: Redirect?

04:01:41 18 MR. MANGAN: Yes, Your Honor.

04:01:42 19 **REDIRECT EXAMINATION**

04:01:43 20 BY MR. MANGAN:

04:01:44 21 Q. Good afternoon, Agent Hull.

04:01:45 22 A. Hello.

04:01:46 23 Q. I just wanted to ask you a little bit about the question
04:01:49 24 related to the email accounts that the defense was asking you
04:01:55 25 about, okay? And specifically they were asking you about the

04:02:00 1 two email accounts being accessed after the date of the
04:02:05 2 arrest, correct? Do you remember that?

04:02:06 3 A. I do.

04:02:07 4 Q. All right. And was that based on information related to
04:02:13 5 IP addresses?

04:02:14 6 A. Yes, it was.

04:02:15 7 Q. Okay. And this didn't pertain to the cloud, correct?

04:02:21 8 A. It did not.

04:02:22 9 Q. All right. Or anything on the physical phones?

04:02:27 10 A. No.

04:02:27 11 Q. So with respect to those -- that time period for those
04:02:31 12 two accounts, are you aware of other possible explanations for
04:02:36 13 the continued IP hits?

04:02:39 14 A. I am.

04:02:39 15 Q. And could you explain that to the jury?

04:02:42 16 A. China has something that we refer to as the Great
04:02:46 17 Firewall of China, which means that they have near complete
04:02:49 18 control over the transfer data in and out of China. So in
04:02:54 19 order to utilize Google or Gmail, as an example, I believe
04:03:00 20 it was about 2016 it became impossible, courtesy of the
04:03:04 21 control behind the Great Firewall of China, to access Google
04:03:08 22 directly by an ISP in China. So you are required to use a
04:03:12 23 VPN or to tunnel out somehow outside of China to do that.
04:03:16 24 So that's one possible explanation, the use of a virtual
04:03:20 25 private network.

04:03:22 1 Q. And then let me ask you this: If the defendant had
04:03:29 2 access to that email account but had also inputted that on
04:03:34 3 other devices, let's say a laptop at home, is it possible that
04:03:38 4 someone could open his laptop at home after his arrest and try
04:03:43 5 to access the account?

04:03:44 6 A. Yes. Any -- any device that would have had log-in
04:03:48 7 access to that device. Like, let's say you had an iPad and
04:03:52 8 one of your kids opened the iPad. Whether you actually
04:03:55 9 accessed the emails or not, the iPad is still going to reach
04:03:59 10 out to Google, to the server, and that's going to leave a
04:04:03 11 forensic trace behind in the IP logs, even though nothing
04:04:07 12 was accessed or no content was seen. It's a function of the
04:04:11 13 system.

04:04:14 14 Q. And then after the arrest, you mentioned that, I believe
04:04:16 15 in your earlier testimony, that that one of the phones was
04:04:19 16 wiped; is that correct?

04:04:21 17 A. Yes.

04:04:23 18 Q. Is it also possible that other associates of the
04:04:30 19 defendant attempted to reach out and somehow access his email
04:04:33 20 accounts?

04:04:34 21 A. Yes.

04:04:34 22 Q. I also want to ask you a little bit about the discussions
04:04:42 23 you had with the GE employee, Dr. Zheng.

04:04:48 24 You were asked a little bit about the interview. Did the
04:04:50 25 FBI make sure that the employee was able to get home safely?

04:04:55 1 A. Yeah, I drove him home myself.

04:04:58 2 Q. And --

04:04:59 3 A. We also fed him. We had pizza.

04:05:02 4 Q. Okay. And then since that time, have you continued --
04:05:05 5 have you been able to speak with him on multiple occasions?

04:05:08 6 A. Many, many occasions.

04:05:11 7 Q. All right. And during the course of that period of
04:05:16 8 cooperation, have you had a -- how would you characterize the
04:05:21 9 relationship?

04:05:22 10 A. A positive one. We work well together.

04:05:24 11 Q. All right. And during that time, did you also have to
04:05:27 12 take measures to ensure his safety?

04:05:29 13 A. Yes.

04:05:30 14 Q. And were you personally involved in those?

04:05:32 15 A. I was.

04:05:33 16 Q. And has that been a continuing concern?

04:05:35 17 A. Yes.

04:05:37 18 MR. McBRIDE: Objection, Your Honor. Beyond the
04:05:39 19 scope.

04:05:39 20 THE COURT: Overruled.

04:05:42 21 BY MR. MANGAN:

04:05:42 22 Q. Let me bring it back to the photos that were found on the
04:05:47 23 phone and the exhibit you were asked about at the beginning of
04:05:50 24 the day. Do you recall that?

04:05:51 25 A. I do.

04:05:51 1 Q. The photos there, is that -- that were in that exhibit,
04:05:58 2 is that all of the photos or a sample?

04:06:00 3 A. It's a very small sample of more than 200 photos.

04:06:04 4 Q. And was that selected simply to be representative of the
04:06:07 5 types of photos?

04:06:07 6 A. Yes. We didn't -- we tried to not bias it.

04:06:12 7 Q. And did you try to not put anymore family photos in the
04:06:17 8 exhibit than necessary to make the point?

04:06:19 9 A. No. There were a lot more, particularly of his family,
04:06:22 10 that we chose to not include.

04:06:26 11 MR. MANGAN: If I could have one moment, Your Honor?

04:06:30 12 THE COURT: Yes.

04:06:31 13 (Pause.)

04:06:41 14 MR. MANGAN: That's all I have, Your Honor.

04:06:42 15 THE COURT: Very well.

04:06:46 16 Is there any recross on redirect?

04:06:50 17 MR. McBRIDE: Very short, Your Honor.

04:06:52 18 THE COURT: Very well.

04:06:53 19 **RECROSS-EXAMINATION**

04:06:55 20 BY MR. McBRIDE:

04:06:57 21 Q. Mr. Mangan asked you some questions about the email
04:06:59 22 addresses, correct? That we were talking about, that you were
04:07:02 23 asked, the JAST emails.

04:07:03 24 One of the explanations that you provided was that there
04:07:06 25 could be access by a VPN, virtual private network. Do you

04:07:12 1 recall that?

04:07:12 2 A. I do.

04:07:13 3 Q. There was no evidence of a VPN, was there?

04:07:16 4 A. You can't tell that from an IP log.

04:07:19 5 Q. So you don't know whether or not there was a VPN,
04:07:23 6 correct?

04:07:23 7 A. I do not know that, but I do know that they can't
04:07:26 8 access Gmail within China without something like that.

04:07:30 9 Q. So you don't know whether that was -- whether the
04:07:38 10 machines were being accessed that way, correct?

04:07:40 11 A. I do not. But, again, you can't tell that from IP
04:07:45 12 log-in data.

04:07:45 13 Q. Mr. Mangan asked you about another device that's
04:07:48 14 connected to it; is that correct? Do you remember that?

04:07:51 15 A. Yes.

04:07:51 16 Q. All right. But you also remember testifying that some of
04:07:57 17 the accesses were from Berlin. Do you remember that?

04:08:01 18 A. Yes.

04:08:01 19 Q. And they were close in time to time somebody tried to
04:08:08 20 access these accounts from Jiangsu, correct?

04:08:12 21 A. Yes.

04:08:12 22 Q. All right. And, lastly, I think you also testified that
04:08:26 23 some of Mr. Xu's colleagues could have been reaching out in
04:08:29 24 this address, correct?

04:08:30 25 A. It's possible, yes.

04:08:32 1 Q. And you would say it's just as possible as the other
04:08:35 2 alternatives you offer, correct?

04:08:37 3 A. I'd say they are all possible.

04:08:42 4 Q. Thank you.

04:08:43 5 MR. McBRIDE: Your Honor, I have no more questions.

04:08:45 6 THE COURT: Very well.

04:08:47 7 Sir, you may step down.

8 (Proceedings reported but not transcribed.)

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2
3 I, Mary A. Schweinhagen, Federal Official Realtime
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13 s/Mary A. Schweinhagen

14 _____ 7th of December, 2021

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